S. HRG. 101-67

REPORT OF THE ALASKA FEDERATION OF NATIVES ON THE STATUS OF ALASKA NATIVES: A CALL FOR ACTION

HEARING

BEFORE THE

SELECT COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED FIRST CONGRESS

FIRST SESSION

ON

OVERSIGHT HEARING ON A REPORT OF THE ALASKA FEDERATION OF NATIVES ON THE STATUS OF ALASKA NATIVES

MARCH 3, 1989
WASHINGTON, DC

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REPORT OF THE ALASKA FEDERATION OF NATIVES ON THE STATUS OF ALASKA NATIVES: A CALL FOR ACTION

FRIDAY, MARCH 3, 1989

U.S. SENATE
SELECT COMMITTEE ON INDIAN AFFAIRS
Washington, DC.

The committee met, pursuant to notice, at 9:06 a.m., in room 485, Russell Senate Office Building, Hon. Daniel K. Inouye (chairman of the committee) presiding.

Present: Senators Inouye and Murkowski.

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR FROM HAWAII, CHAIRMAN, SELECT COMMITTEE ON INDIAN AFFAIRS

The CHAIRMAN. Good morning. May I apologize to one and all for the condition of my voice. I have been afflicted with the dreaded political disease called laryngitis.

In September of last year the committee conducted intensive hearings on Health and Indian Child Welfare Act issues in Anchorage, AK, and following those hearings, we visited several Native villages and regional centers in Alaska over a 5-day period. Our schedule was a full one, and the experience was one that I shall never forget.

For example, I will never forget the standard Government designed houses that have only one door—houses that are at least 6 feet from the ground, and windows that are at least 10 or 15 feet from the ground. With no other means of exit, and with the stoves being located in the entry room, should there be a fire in one of these houses, people would be trapped in the back rooms, or often forced to jump through these windows and break their bones. Children and elderly residents would almost certainly incur injuries if they were forced to escape from these windows.

I shall always remember the leaking roofs and the walls that were pulling away from these roofs, the inadequate insulation that must make survival during the cold waves, such as the one that passed through the State of Alaska last month, a challenge, to say the least.

I shall always remember the smell of Pinesol and honey buckets.

I also remember asking about the pipes that lead away from some of the schools and public buildings and learning that the pipe carried raw sewage, which was dumped into a lake that emptied into a river, from which the village draws its drinking water. And so it should not come as any surprise that rates of hepatitis and other diseases are so high.

I remember talking to community health aides in the villages we visited and learning that in many villages—in fact, most villages—a visit from a doctor or nurse occurs no more than once a year. And in the interim, these community aides are the only source of health care in isolated village communities. They face emergencies and injuries that are sometimes very critical, often prepared with only 10 weeks of training.

I will not soon forget talking to a village administrator who told me that when she graduated as the valedictorian of her class and went off to college she had to spend 1 year doing remedial work so that she could compete academically with other students.

And obviously I will always remember the prison facilities that are filled with Native prisoners, most of them detained because of alcohol-related behavior. I will remember the high rates of recidivism and alcohol-related crimes.

There is a statistic which should be ingrained in all of our national memories, that in the age group of 20 to 24, the suicide rate among Native Alaskan males is 14 times the national average.

These shocking and sad facts are treated in some fashion in the report that will be received this morning. They constitute a rather discouraging commentary on Native life in the State of Alaska.

This committee is here this morning to examine this record and to begin what I hope will be the first of many steps that will be taken to address the problems identified in this report.

I thank all of you who have travelled long distances to be with us this morning to discuss these very important matters. I can assure you that we will not forget you or what you have to say today, and we look forward to working with you to create a better future for the Native people of Alaska.

This morning we have a very ambitious schedule, and we have important leaders of Alaska with us. If I may, I would like to first call upon my very distinguished colleague, one that I have had the privilege of serving with ever since statehood, the senior U.S. Senator representing your State, the Honorable Ted Stevens.

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Senator STEVENS. Thank you, Mr. Chairman.

I have a statement which I can put in the record, if that is all right with you. I would like to make some comments.

I think we are indebted to you, Senator Inouye, for taking your trip to Alaska last year. It reminds me very much of a trip that Senator Kennedy and others took with me to the West Coast of Alaska almost 20 years ago now. What you saw on your trip was the result of the projects that were put into place following the trip 20 years ago to help the villages catch up with the rest of American society.

We have a great need for more understanding in these areas, and I hope as a result of the trip you have taken that perhaps we can join together and get a series of people to go up there from the Senate so they can better understand this.

My good friend is of a different party, as you are. I don't think there is anything political or partisan in the issues you are going to explore today.

In my judgment, a continuum of governments have attempted, in good faith, to try and solve some of these problems. We have put into place a series of programs that have not attained the hopes and dreams of those who fashioned them. And today, whether it is in the State government or the Federal Government, we have to admit that the programs we have pursued have not succeeded in this area. They have problems that now, in many ways, exceed the problems that Senator Kennedy and I and others looked at there in 1969, and they are exacerbated by this horrendous cancer on our society, alcohol and substance abuse—primarily drugs.

I want to encourage you to listen to these people and join with us in trying to seek out the best minds that we have in this country to see if we can solve some of these problems.

I thank you very much for your courtesy and your kindness in what you are doing to try to help us deal with these problems.

If the Governor is next, I'd like to stay and listen to what he says, and then I must go on to another committee.

[Prepared statement of Senator Stevens appears in appendix.]

The CHAIRMAN. Before I call upon the Governor of the State of Alaska, I would like to join you in your observation that too often we, in Washington, in absolute good faith, and with the best of intentions, make plans and policies to deal with problems out in the countryside. And, sadly, all too often these solutions do not work. As a result, I have made it a policy of this committee to, to the extent possible, reach out and visit people, listen to them, and through this means come up with solutions.

I am pleased to announce that most of the legislation coming out of this committee is the result of work that we have carried out in Indian country and after conversing with tribal leaders and Native people. I am happy that we have here this large gathering of Alaska Natives. We can assure you that the resolutions that we will adopt here will, in many ways, encompass your recommendations. So you be serious with us and we will be serious with you.

Now it is my pleasure to call upon the chief executive who has been extremely helpful to all of us. He made our trip to Alaska not only comfortable, but meaningful and fruitful. Through his support and his agencies, such as the National Guard, we were able to cover ground that we would not have otherwise been able to cover.

At this time I would like to officially and formally thank you, Mr. Governor, for your assistance last year when we took this trip.

So I would now like to call upon your Governor, the Honorable Steve Cowper.

Mr. Governor.

Before proceeding, without objection, the full statement of the distinguished man from Alaska will be made part of the record. It will be inserted in the record immediately following the oral presentation.

STATEMENT OF HON. STEVE COWPER, GOVERNOR, ALASKA

Governor COWPER. Thank you, Mr. Chairman.

Before I begin, I also have written remarks which include my administration's Native policy that I would like to have included.

The **Chairman**. That will also be made a part of the record.

Governor **Cowper**. Mr. Chairman, like Senator Stevens, I would like to express my deep appreciation for your obvious concern for Alaska Natives and their problems. It is rumored that you are the first chairman of the Select Committee on Indian Affairs to visit villages in Alaska. Frequently we see people from Washington visiting, but they often go to Anchorage, and perhaps Fairbanks and Juneau, some of the larger cities. It is a great credit to you, Mr. Chairman, as well as to the committee, that you took the time and the effort required to visit remote Alaska villages. We thank you for it.

Mr. Chairman, we have reason to believe that certain myths have arisen about the status of Alaska Natives since 20 years ago. At that time, as Senator Stevens mentioned, there was a great deal of interest in the status of Alaska villages, and the conditions at that time were rightfully described as being very bad and deplorable. I think that assessment was largely correct. At that time, the Congress set about redressing some of the problems in the villages.

In 1971, Mr. Chairman, as a result of the impending trans-Alaska pipeline, there was an effort on the part of the Congress to settle the Alaska Native land claims, which had lay dormant since the sale of Alaska to the U.S. Government by Russia in 1867.

There was a feeling at that time that was prevalent among many people that this would somehow address all the problems of Native people in Alaska. And particularly over the last few years there has arisen the perception that Alaska Natives are rich and that they live in fine homes and drive around in Cadillacs. We certainly hear that from this end, though we don't hear it from our end, somehow or other.

Mr. Chairman, the Alaska Native Claims Settlement Act was not a social measure; it was a legitimate settlement of land claims that had existed for over 100 years. While it did invest the Native community with 44 million acres of land, most of that land is used in the same way it has been used for many, many years—thousands of years, for that matter. It is being used for subsistence use, it is being used to support the subsistence lifestyle which Native Alaskans have participated in for many centuries.

There are corporations which have, indeed, been very helpful. Most of the corporations have used shareholder hire to decrease the rate of unemployment among Native people, and it has been very helpful in that respect.

But even the regional and village corporations have been able only to make a dent in the unemployment problem in rural Alaska. Alaska Natives are not rich. Their lives are not substantially different from what they were 20 years ago. Their level of unemployment remains high, as is amply documented in the Alaska Federation of Natives Status Report on Alaska Natives, which will, Mr. Chairman, become a part of the record of this committee.

The rate of suicide in Alaska villages is extraordinarily high, particular with respect to Alaska Native males. And, unfortunately, also with respect to young people, teenagers in the villages, we have a tragic and terrible situation.

Endemic alcoholism problems have resulted in family violence, violence within the communities, and also health problems which have persisted in spite of the best efforts of the Federal Government and local people to deal with it.

Part of the reason that so many misunderstandings have grown up between Washington and Alaska is that people have no idea what an Alaskan village is like. Sometimes when I talk to people here—and that does not include you, Mr. Chairman—I get the idea that they think an Alaskan village is kind of like a mid-western crossroad; somehow if you are in trouble you can get on the road, drive into town, and get taken care of. That is obviously not true in Alaska.

Some of the villages of 200, 300, and 400 people are hundreds of miles even from a regional center, Mr. Chairman. There is no way to get people in and out of the villages during winter except by airplane, and for all practical purposes that is the only way to get people in and out even in the summer.

We think that the job the Congress set before itself in 1968 is not finished and that the Congress needs to move to assure that the Native people of Alaska are the recipients of the type of attention to which they are entitled.

We have some specific suggestions to give the committee, Mr. Chairman. Because of the health problems in rural Alaska, we would like to suggest that the community health aide program be fully funded at $28.7 million. In these remote villages which cannot afford doctors, the community health aides, who are often people in the villages who originally had very little training—those health aides are the only way people have of receiving any kind of medical treatment in the villages. The health aides are excellent people. They have become well-trained. They are dedicated. They are obviously skilled.

I had a personal experience in the village of Napaskiak in which I watched the village health aide respond to an accident in which a young man drove a snow machine into the side of a building. I watched them come out and treat that young man and call in an airplane and see that he was sent to the Public Health Service Hospital in Bethel. I can tell you, Mr. Chairman, that if those health aides had not been on the spot in that village, that young man would not have survived.

The village health aides are under-paid. They are not as well trained as they should be. We would like to emphasize our fervent support for increasing the level of support to the village health aides.

We would also like to recommend, through the committee to the Secretary of Health and Human Services, that the final rule that has been proposed for the Indian Health Service designation not be adopted. The adoption of that rule would mean that thousands of Alaska Natives would no longer be eligible for Indian Health Service benefits. We think that is wrong, Mr. Chairman, and we would like to bring the committee's attention to that problem.

We would also like to strongly suggest that the Federal Government establish a Job Corps center in Alaska. Alaska is one of four

States in the Union without a Job Corps center; yet, we have one of the highest rates of unemployment in the Nation. It has been particularly exacerbated over the last 2 or 3 years with the drop in oil prices and the drop in construction in Alaska. Many, many Alaskan people are affected by this, but none so dramatically as Alaska Natives, Mr. Chairman.

The Job Corps centers are places where high school drop outs can go and receive training that is relevant to their areas. We believe that it is tremendously important that Alaska get such a center. My administration has submitted an application for a Federal job corps center. We have also committed to put up $1 million of State money in order to help establish that job center, plus the donation of the use of the land. We believe that is a very major step in the direction of reducing unemployment for Alaska Natives.

Mr. Chairman, I'd like also to recommend that more funding be directed for the Head Start Program in Alaska. In the villages that are so small that they cannot afford a Head Start Program, we'd like to recommend the HIPPY program.

The HIPPY program is a program through which people at home can receive pre-school instruction along with their parents, and is an excellent program. It has been tried out in other States, including Arkansas, and works very well. It is perfectly appropriate for Alaska villages, which do, in fact, have fairly sophisticated communication systems.

I'd like to direct the attention of the committee to the AFN's suggestion that we put together a joint committee on the status of Alaska Natives with the participation of the State, Alaska Natives, and the Federal Government. That is to follow up on a requirement of the Alaska Native Claims Settlement Act in 1971 that there be a report submitted by the Department of the Interior by 1985 on the status of Alaska Natives. While there was a draft, there was never a report adopted. We believe that more careful study should be given to the status of Alaska Natives, and that the Congress should receive a direct report as to the results of that study.

In the end, Mr. Chairman, in order to bring up the standard of living in Alaska villages, it will require a joint partnership of Alaska Natives, people living within the communities affected, the State government, and the Federal Government. It is a system of shared obligations and shared responsibilities.

I want to commend this committee for taking up this subject and treating it with the importance that it deserves.

I am ready, Mr. Chairman, to answer any questions that you or the committee may have.

Thank you very much for the opportunity to testify here today.

[Prepared statement of Mr. Cowper with native policy statement appears in appendix.]

The CHAIRMAN. Thank you very much, Mr. Governor.

Before I do, I would like to apologize to a very senior member of this committee for not recognizing his presence here. He is a very important member, a very senior member, and he is one of your Senators. If I may, before I proceed, I will call upon Senator Frank Murkowski of Alaska.

Senator STEVENS. Mr. Chairman and Senator Murkowski, may I just interject here and ask to be excused? I want the chairman to know that I see nothing in the presentation that was made by the Governor that I would not be more than willing and ready to give overwhelming support to.

Again I say that I think we have got to examine this whole thing anew. It does seem to me that our problems may lie elsewhere than in the Senate. For instance, the community health aide program, which I commenced was fully funded by the Senate last year, but it did not survive the Conference. There are so many problems about understanding of these issues, and I think we are going to have to get a much broader group. I think maybe we ought to have a State-Federal legislative and Federal executive, State executive, State legislative, have a joint task force to go out there and look at some of these problems so that others can know them as Steve and I do before we fashion this commission and give it objectives. I think it calls for real coordination, as the Governor suggested.

The CHAIRMAN. Before you leave, Ted, I think the record should show that, thanks to you and Frank Murkowski, we were able to get at least $5 million in supplemental appropriations for the community health aide program. I am presently working with the Senate delegation from Alaska to come up with appropriate legislation to make certain that the IHS regulations are not carried out to your detriment.

I think the Alaska Natives are very fortunate that they have two alert Senators who have been calling me all the time. That is one of the reasons I took this trip to Alaska—to find out for myself. I learned that Alaska is much more than just glaciers.

Senator STEVENS. I think we have got to look anew at this whole thing, Mr. Chairman. As I said yesterday—and I haven't told this to the Governor, yet, and it may be a shock to him—maybe we should just use 638 and contract out the whole operation to the State of Alaska. Maybe we should eliminate a whole level of bureaucracy here and put more money to work in trying to deal with these problems.

The CHAIRMAN. That is not a bad idea.

Senator STEVENS. It was off the head yesterday, and it is probably a little bit better thought out today. But, as a practical matter, there have to be some new solutions.

Please excuse me now, as I must go to another committee.

The CHAIRMAN. Senator Murkowski.

Senator MURKOWSKI. Thank you.

Well, there goes my chance to question the senior Senator from Alaska. [Laughter.]

He's usually pretty fast on his feet, and questioning the witnesses is one of the few prerogatives you have up here. However, I will defer from that and put the governor at ease, as well. That's not my intention.

STATEMENT OF HON. FRANK MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Mr. Chairman, let me thank you very much for holding this hearing. Obviously there is a great deal of interest by a number of Alaskans that are with us today. I was with a few of those Alaskans prior to the convening of your hearing, and that is why I was a little late.

Let me first of all comment very briefly on the services provided to all Alaskans by the Alaska Federation of Natives. When you consider that the State is just in the process of celebrating its 30th birthday, yet the Alaska Federation of Natives has been in existence for 22 years, it gives you some idea of the base of their contribution. And that contribution isn't easy, because when you have an organization that tries to represent the views of all Alaskans, you'll find that Alaskans, as others, have different points of view. But I commend that group for its ability to coordinate a unified voice.

Mr. Chairman, I have read the report—and the initial draft, I think, was "Alaska Natives in Crisis." I commend the AFN for bringing this report to the attention of the committee and to the attention of all Alaskans represented by articles in the "Anchorage Daily News," the action of our legislature and our Governor because of the seriousness of this crisis—and it is a crisis. We are seeing our young Native adults involved in suicide rates that are just phenomenal. They just strike you with terror when you reflect on it, and with it comes the realization that we have inequities in rural Alaska, as compared with urban Alaska, the difficulties in our reconciliation that no longer can we simply throw money at the problem.

Governor, I was at a budget hearing the day before yesterday and we were talking about veterans' health care benefits. We are $1 billion short. If there is ever an obligation to meet, Mr. Chairman, it is in that area, and OMB's response was, "Well, what cuts are going to be made in what other categories? Because unless you find those cuts, you are not going to generate the support necessary for the appropriations to come through."

I think we have a situation in some parts of Alaska where we have built up, Mr. Chairman, a bureaucracy, and we can no longer fund that bureaucracy. The Federal Government is expected to contribute to it, the Governor is under the pressure, the State contributed to it, the regional corporations don't have the base to continue to fund it to the levels that it is set up for. We are finding ourselves, if you will, in a circle, so to speak, trying to address what the answers to these problems are. The answers have to come from the people. They can't come from Government.

Government can guide. Government can re-direct priorities. But Government can't experience what it is like in a village where you have got the traditional influences and you've got the educational developing opportunities. Yet, do you stay in the village or do you move out into society? And that transition is a very difficult one for many young Alaskans.

We are making progress in that area in cooperation with the Federal Government and the State of Alaska, but much more needs to be done, as evidenced by the statistical information which we have had.

I would hope that this hearing, Mr. Chairman, would not dwell so much on the startling and unfortunate statistics, but more or less from the witnesses on what can be done without just the generalization that we have to throw more money at the problem to rectify and turn the direction around.

Mr. Chairman, I think the idea of the commission which the Governor has spoken about is a good beginning, but we can't wait too long. The commission's life, I believe, is a 2-year framework. We must implement, on the basis of prioritization, ideas that will come from these hearings and other input from Alaskans, in general.

I certainly support the idea of a Federal-State-village commission to dig into the roots of the problem. When I read these reports I get so frustrated at the end because I don't know what the answer is, either. And it is so overwhelming when you think of what is happening in many of these areas. You almost want to take your arms and go out and try to initiate something immediately to stop. It is so frustrating. I know everybody shares that, but there are answers.

I have talked to my colleagues that come from States where they have reservations—an entirely different concept. Very frankly, they tell me, Mr. Chairman, that they can go to the appropriations and other chairmanships around here to try to get funding for a plant that will come on the reservation to make helmets for jet pilots and create some activities, but they are frustrated, too, because it is very difficult to provide those jobs, as it is very difficult to provide jobs in rural Alaska in the sense of a type of an economic base that we know.

We are making some progress. You have been up in the Kotzebue area and you are aware of the impact that the mine is going to bring. It is going to provide an employment base for the first time. Western Alaska never had it before.

In the oil industry I don't think we have done the job as well as we should have. The industry has not been responsive enough to hire Alaska Natives. There has been some progress made, but we need to do an awful lot more.

Those are some of the positive things that we can do a better job on, Mr. Chairman. I think that if we get the recommendation from our witnesses today I would hope they would focus more particularly on the innovation necessary to overcome the reality that money is just not the answer because, first of all, the money is no longer going to be available in the sense that it once was.

Mr. Chairman, I have a written statement which I would like to have entered into the record.

Again, I commend you and the professional staff of the committee for the commitment they have made in journeying to Alaska and going out into the bush and seeing conditions as they exist.

I thank you, Mr. Chairman.

[Prepared statement of Senator Murkowski appears in appendix.]

The CHAIRMAN. Thank you very much.

I would like to comment on an important point that was made by Senator Murkowski on money.

In the last fiscal year, the people of the United States appropriated $3 billion for Native American programs that includes Native Hawaiians, Native Alaskans, and Indians. Of that amount, approximately 40 percent was spent for the bureaucracy or the administration of these programs. Like Senator Murkowski, I am inclined to believe that we can have less bureaucracy and more initiative and more self-government and autonomy on the part of the Native Americans, so that they may realize the benefits of a larger share of that money.

I am convinced that Native Americans have long been qualified to govern themselves and to administer these funds. But the policy that we have been working under for all of these decades has been one that natives are not quite ready, they are not prepared, they are not equal. Well, we are going to change this.

Governor, as always, you have been most encouraging to this subcommittee. Can you, in some detail, describe for this committee your job training center? The one to which your State is going to contribute $1 million.

Governor COWPER. Yes; thank you, Mr. Chairman.

There is a Federal program now existing that provides for the construction and staffing of Federal job corps training centers. Basically, the objective is to provide a place where high school dropouts, mainly, can go and receive their high school equivalency certificates, as well as to be trained in areas where they are likely to obtain employment.

The program has been successful all over the country. It has resulted in the gainful employment of many, many people who were otherwise shut out of the job market. We have not had such a program in Alaska. We are one of the four States not to have the program.

Just over the last 3 or 4 years, the unemployment rate in Alaska has gone up in a very dramatic way for a number of different reasons. Like every other State, we have a problem in the sense of a very high rate of school drop-outs, and that is particularly a problem in rural Alaska.

So what we would like to suggest is that the Federal Government designate Alaska as one of the places where a new job corps training center is to be established. In order to encourage the Federal Government, the State has volunteered not only to furnish a site for that job corps training center, but also to invest $1 million to help to renovate the existing facilities so that they would be appropriate for the center.

We want to do our part. We don't think it is all a burden that should be taken on by the Federal Government. But we think that the establishment of such a center in Alaska would have a major effect on the ability of Alaska Natives and others in Alaska who are not presently ready to enter the job market in any appreciable way. It will upgrade their job skills. It will make them more able to look for work in this very competitive market. We would like to strongly urge that the Congress approve that application, which has been submitted by the State.

The CHAIRMAN. Where is this site to be located?

Governor COWPER. Mr. Chairman, the site will be in the Matanuska-Susitna Valley area, which is about 45 minutes to an hour from Anchorage. It is a region of very high unemployment, but it is centrally located. People from all over the State can get into Anchorage and then get out to this center.

The CHAIRMAN. I can assure you, Governor, that the full weight of this committee will be placed behind your application for the job training center and we will do everything to expedite it. If there is anything we can guarantee, we will get it.

Governor COWPER. Thank you, Mr. Chairman.

The CHAIRMAN. It may be of interest to the people assembled here, to know that I am now the chairman of the Defense Appropriations Committee. The ranking member is Ted Stevens of Alaska. And Senator Stevens has come by and has made it known to defense contractors that we would look very favorably upon contractors who would do business with Native Americans. So don't be surprised if they open up little factories all over Alaska.

I have no questions. I have had a long conversation with the Governor in my office. And, as I assured him then, I would like to assure you and your people that everything possible will be done to put your program into effect.

Thank you very much, sir.

Governor COWPER. Thank you, Mr. Chairman.

Senator MURKOWSKI. Governor, I just wonder if you would share with us, from a standpoint of the State-operated schools, how we envision in Alaska the obligation of maintaining a curriculum in our State-operated schools in the rural areas that prepares our Native young people for the alternative of a quality education there that will be competitive in the sense that they should want to leave and go into an urban area and be competitive in the employment market?

Educators tell me that there is a difficulty when in small areas you have to maintain a curriculum kind of at an average norm, and if the foundation had not been adequately set early enough it is very difficult that the level at which a student may be graduating will be sufficient to allow him or her to compete in the job market at the same equivalency. Maybe the answer is time. I just wonder if you would share with us your personal observation of this difficult issue.

Governor COWPER. Thank you, Senator.

The so-called State-operated school system previously in existence contained most of the rural schools. We have also, in recent years, taken over schools that were operated by the BIA.

Now, in Alaska the educational system is not operated directly from the Governor's Office. It is operated under the jurisdiction of the State Board of Education, which has a constitutional responsibility to operate the educational system in Alaska through their designated appointment, who is the Commissioner of Education. Our Commissioner of Education, by the way, Mr. Chairman, is a Tlinget Indian. He is very concerned with the quality of education in the rural areas, naturally.

But we have a problem, and that is that local control, up until now, at least, has precluded in any practical terms the kind of curriculum requirements that are being adopted in many other States. Given the political dictum that all politics is local, as I believe the former speaker said, the fact is that while we have moved at various times in our history to try to require a stronger curriculum in school systems throughout the State, political realities are that unless the local school boards sign on to this much stronger curriculum, it doesn't happen. It is a problem that is kind of endemic to the system in Alaska. Frankly, I'd like to change it.

Many of the rural school districts have responded to this challenge by instituting a much stronger curriculum, and I believe that the success of those districts will lead to the adoption of stronger curriculum requirements in other school districts. But at the moment, the central control mechanism that is available in many States simply doesn't work in Alaska.

Senator MURKOWSKI. I agree with you, Governor.

Thank you, Mr. Chairman.

The CHAIRMAN. Our next panel will consist of: the president of the Alaska Federation of Natives, Anchorage, AK, Ms. Janie Leask; the chairman of the Alaska Federation of Natives Human Resources Board of Kodiak, Alaska, Mr. Gordon Pullar; and the mayor of the Village of Chevak, Alaska, The Honorable John Pingayak; testifying on behalf of Mr. Willie Hensley, president of NANA Regional Corporation of Kotzebue, Alaska, is Mr. Sam Kito, Jr.; and the president and chief executive officer of Sealaska Corporation of Juneau, Mr. Byron Mallot.

Ms. Leask.

STATEMENT OF JANIE LEASK, PRESIDENT, ALASKA FEDERATION OF NATIVES, ANCHORAGE, AK

Ms. LEASK. Thank you very much, Mr. Chairman.

Good morning. For the record, my name is Janie Leask, and I am the president of the Alaska Federation of Natives. On behalf of our organization, I would like to thank you for holding this hearing on our recently-released report, entitled, "The AFN Report on the Status of Alaska Natives: A Call for Action."

I would also like to request that the record be left open for a period of time to allow for any additional written comments.

And I would also like to follow up on a request that we had previously discussed about holding hearings in Alaska on this report. I think it is very important that there be a wider access for people in Alaska to respond to many of the issues that are outlined in this report.

Prior to getting into my written statement, the Alaska Native Brotherhood taught me a lesson several years ago that before you really get into any message, you introduce yourself in the Native way. I am a Haida-Tsimshian, originally from Metlakatla, one of the only reservations in Alaska. I spent my first ten years there before moving to Anchorage. I am a shareholder in Cook Inlet Region, the urban region located in Anchorage.

In preparing this particular report, AFN wanted a clear statement of the growing crisis that is affecting Alaska Native people. We believe that the report beings a profound historical crisis described in health, culture, and economy, which affects every Native person to some degree. We hope that the report to the Congress will be helpful as you look at the Federal responsibility to Alaska Natives and ways to improve the future of Alaska Native people.

We should recognize at the outset the limitations of this particular report. It is not a comprehensive study of Alaska Native needs, nor does it present an in-depth critique of the governmental program delivery. It does not contain original research, but rather it is a compilation of existing statistics that have been gathered from various reports.

In some cases, higher figures are indicated in other reports. Further analysis by the Congress, the State of Alaska, and the Native community is essential.

The scope of this report is broad. It includes information on health, social and behavioral pathology, demographics, economics, and public education. All of it is presented in a series of tables and graphs, many of which compare the circumstances of Natives to those of non-Natives in the State.

But even the most cursory review of the data that is contained in this report indicates that, despite substantial improvements in health, standard of living, economic opportunity, and institutional services, an increasing number of Alaska Natives now face greater risks and declining opportunities. We conclude that the outlook for positive change does not appear good unless effective countermeasures can be established.

Recognizing the magnitude and the sources of risk requires understanding of two very important key factors. One is that the rates of health and social disorders among Natives are abnormally high and, in some instances, accelerating. Second, specific groups have a disproportionate risk, such as rural residents and young male adults, that often exceed rates for Alaska Natives, as a whole.

The analysis in the report documents an alarmingly high rate of self-destructive behavior and demonstrates that the major victims of this behavior—which are Native infants, children, and young adults—are increasing in number.

Most Alaska Natives live in communities in which the local economies cannot provide a life-sustaining standard of living without substantial on-going public subsidies. And public policies intended to assist Native individuals, families, and communities, have created and perpetuated dependence rather than self sufficiency.

The data also indicate that a Native village's government has largely failed to discharge its most important obligation, and that is to provide children with an adequate education.

What is clear from all of this is that there has been a fundamental failure of public policy toward Alaska Natives and rural Alaska. The actual consequences of many public policies which were created to help Alaska Natives have not produced the intended results. It is our conclusion that more Government effort in this same vein will not solve the problems that are identified in this report.

AFN does not blame either the Federal Government nor the State government for our problems, nor do we look to the Government to be solely responsible for solutions for solving these problems. Responsibilities are shared and must be shared by the Federal Government, the State government, and Native institutions in seeking solutions to the problems that are outlined in this report.

Our shared responsibilities include village governments, Native regional non-profits, and ANCSA corporations. Our call to action is not only a call to the governments—the State and Federal Governments—to become involved and become active in finding those solutions, but it is largely directed toward the Native people and organizations, as well.

I'd like to now just briefly explain what we are doing to address some of these problems.

Let me first begin with our efforts to fight alcohol, because alcohol is in a vein throughout this entire report.

AFN, as an organization, bans alcohol, and we have for the last several years, at our conventions. At our latest convention we focused the attention of approximately 1,500 to 2,000 delegates and the State's media on the problems of alcohol use and the different social tragedies that accompany it.

Through the convention and through the passage of a resolution we have set up an Alaska Native Blue Ribbon Commission on Alcohol and Drug Abuse to specifically focus on the growing sobriety movement in the villages. The commission will launch a statewide campaign to raise the visibility of this sobriety movement and to relay the message that it is OK to be sober.

Approximately 40 percent of our villages have, in one way or another, attempted to limit alcohol consumption and abuse in their own communities.

For example, 8 of our Native communities, including many of the larger ones, have voted to prohibit the sale or possession of alcohol; 5 villages have prohibited the sale; 17 have enacted a ban on possession; and 58 prohibit importation and sale.

Late last year the ANCSA corporate leaders in Kotzebue lead their community to defeat a well-financed effort to bring alcohol sales back in their community, and this time it was overwhelmingly defeated.

Despite the will of these 80 communities, alcohol shipments to many of them continue to be made and bootlegging is flourishing in many of those communities. We have asked for new laws to combat bootlegging in our State, and our State legislature has responded. As a result, bootlegging in a local option area is now a felony, which carries a maximum of $50,000 fine and up to 5 years in jail, rather than the previous penalty of it being a misdemeanor, which carried a maximum jail term of 1 year and a fine of just $1,000.

Alcoholic beverages which are shipped to the villages prohibiting sale or possession must now be prominently labelled. And where possession is allowed, limits are often fixed on how much liquor can be accumulated by individuals.

Our reward fund of $100,000 for information leading to the conviction of bootleggers has been established. And, at the urging of villages, special efforts at enforcement of the laws are being made.

Villagers at many locations are also looking to actions that they can take to bring about changes in their own lives, and in many villages Alcoholics Anonymous—AA—groups are being formed.

The growing sobriety movement is looking toward the experience of the people in Alkali Lake in Canada. That videotape, which depicts their struggle against alcohol, is making its way across our State to many villages.

In addition, many villages are returning to traditional cultural values as a foundation for renewal.

Alcohol problems and their tragedies persist despite governmental programs and efforts that we are making as a people. AFN has, in the past couple of years, sponsored two statewide retreats of the Native leadership in an attempt to identify the critical social, health, and economic needs of our people, and to set goals for the kinds of communities that we envision. Concerns were shared from throughout the State. We came up with a mission statement and several specific goals, which will be discussed a little bit later.

On the economic front, AFN is planning an Alaska Native Economic Development Summit Meeting, which will be held in May, to discuss options and develop strategies which will lead to economic opportunities and benefits, or at least a discussion of those, for the people in rural Alaska.

In addition, we have pledged to assist Federal and State agencies to analyze social and economic needs of village Alaska and to identify steps which must be taken in order to meet those needs.

The Native non-profit regional corporations, who are major contractors of BIA funds and State programs, are being urged to evaluate their own management and delivery of programs, to do a self examination to ensure that their delivery is effective.

Native leaders are also being urged to get actively involved in villages and to give one of their most precious commodities, time, to both villages and the region.

In this testimony we have outlined a series of recommendations both to the State and the Federal Government, but let me just focus on one particular one, and that is one that has already been discussed here: the formation of a joint commission on the status of Alaska Natives to include representatives of the Native community, the State government, and the Federal Government.

The purpose of this commission would be to make specific, concrete policy recommendations to the U.S. Government, the State of Alaska, and to Native institutions to reduce the levels that are described in this report, and to enhance the lives, the health, and the general well-being of Native people.

It would deal with issues such as the basic level of services, how we get there, and who pays for them. And we really envision this to create this new partnership between the Native people, the State, and the Federal Government, because, as has been said, we can't continue along the same lines that we have been.

We envision this commission to address five central issues that are contained in this AFN report: the loss of local Native control and responsibility, economic development in rural Alaska, social service delivery necessary at local levels for families and individuals, health care needs, and the public educational system.

We feel that the commission, if it is set up, should have a budget and a staff in order to do the work.

In closing, we ask that the U.S. Congress, with the leadership of this committee, help Alaska Natives achieve real changes in our current situation to achieve a transformation in the attitudes, behaviors, norms, and institutions and structures of our daily lives.

We seek concrete changes that our people can see and feel, and in seeking these changes we look to Congress with hope and ask you to join us in a renewed partnership so that we can all work together to address the crisis that afflicts our people and the crisis that is outlined in this report.

As we look toward the future, we know that if Alaska Natives are to achieve our aspirations to maintain our distinct cultures, which is so vital, and our traditions and values, we cannot despair nor believe we can muddle through these problems doing business as usual.

Mr. Chairman, I have a number of specific recommendations, as I mentioned, that are included in this report.

I would be more than happy to answer any questions that you might have.

Thank you for the opportunity to speak to you this morning on these issues that are of vital importance.

[Prepared statement of Ms. Leask appears in appendix.]

The CHAIRMAN. Thank you very much.

Before asking questions, I will ask the panel to present their thoughts first.

If I may, I would like to now call upon Mr. Pullar, the chairman of the Alaska Federation of Natives Human Resources Board.

STATEMENT OF GORDON PULLAR, CHAIRMAN, ALASKA FEDERATION OF NATIVES HUMAN RESOURCES BOARD, KODIAK, AK

Mr. PULLAR. Thank you, Mr. Chairman.

My name is Gordon Pullar, and I serve as the president of the Kodiak Area Native Association, as well as chairman of the Human Resources Board of AFN.

The Kodiak Area Native Association is a regional, non-profit, Native organization providing services to the Aleut people located in seven village communities on Kodiak Island.

I thank you for this opportunity to present testimony on the current status and problems of Alaska Native people, as delineated by AFN's recently published report. Since I am wearing two hats this morning, I will divide my remarks into those representing my own regional organization, KANA, and those presented on behalf of all the non-profit organizations which compose the AFN Human Resources Board.

First, on behalf of KANA, I would like to emphasize as strongly as I can the fact that the grim statistics we have heard here today are directly linked to the disintegration of traditional cultures.

Cultural identity lies at the core of any person's sense of self esteem. The kinds of social problems now devastating Alaska villages are the result of a diminished sense of self worth and the loss of traditional values.

Preserving Native American cultures encompasses more than scientific or aesthetic goals. For us it is nothing less than survival.

The debate over whether Native American cultures should be maintained as valuable ethnic resources within the larger national population or assimilated into the American mainstream has long been an issue in Government policy.

Historically, public education systems have operated with assimilation as their ultimate goal. The results of this tragically misguided policy has been the systematic erosion of all Native American cultures. Little wonder, then, that our young people, who literally do not know who they are, destroy themselves in a climate of despair.

Recent studies argue that, in order to improve Native American school performance, there is a need to integrate students' cultural values into the educational system. One professional observer has stated it clearly:

> Achievement in school is highly related to self concept. No matter how well a subject is taught, unless students develop self-esteem they will not want to achieve, and will most likely learn to dislike school. Self-esteem is not only the key to motivation; it is necessary to clear thinking and concentrated effort.

For Alaska Native children, the fact that their ancestral cultures are rarely mentioned in school robs them of something fundamental.

If we are to begin to deal with the crushing human and fiscal cost of substance abuse, domestic violence, economic failure, and epidemic suicide, we must begin with prevention. Even a modest investment in the education of young Native people about their own cultures, languages, and histories will bring immediate returns in personal effectiveness and success during adolescence and adulthood.

We have been heartened by recent initiatives of Congress, such as S. 2912, the Comprehensive Preservation Act, introduced by Senator Fowler; S. 187, introduced by Senator Melcher; and your bill on The Museum of the American Indian, and to proposed amendments to the American Indian Religious Freedom Act.

Over the past century, Native Americans have watched Government agencies assume the management and ownership of cultural resources such as museum collections and archaeological sites. The time has come for Natives to assume the primary role in managing their own cultural resources, to run their own preservation and research systems, and to maintain their own museums. Alaska Native villages and tribal organizations can provide cost-effective, efficient programs in their own areas. Most important, our children will have direct access to the achievements of their ancestors.

Finally, I call your attention to the extended debate among Members of Congress, anthropologists, and the Native American community over the 18,500 skeletons of Native American people now held by the Federal Government at the Smithsonian Institution.

Approximately 4,000 of these are from Alaska. Mr. Chairman, I'd like to add that about 700 of those are from my area on Kodiak Island.

We have no objection to legitimate scientific inquiry, but science does not constitute a license to desecrate what all peoples the world over regard as sacred. A decent respect for the dead and for the sensibilities of the living ought to be regarded as a human right, one which the United States has long denied to Native American peoples.

Mr. Chairman, I would now like to offer a few short remarks on behalf of the regional non-profit Native corporations which compose AFN's Human Resources Board. These are the organizations which are literally on the front line in dealing with many of the behavioral health problems described in the AFN report. They operate, on contract to the Federal and State Governments, millions of dollars worth of social, education, and health programs, and are

Alaska's prime 638 contractors to the Bureau of Indian Affairs and the Indian Health Service.

It is no exaggeration to say that an effective response to the present social crisis in bush Alaska will depend, to a large extent, on the successful performance and adequate funding of these organizations.

With permission of the Chair, I will submit for the record a brief outline of all programs currently operated by five selected regions—Kawerak, Aleutian/Pribilof Islands Association, Bristol Bay Native Association, Kodiak Area Native Association, and the North Pacific Rim. This list will provide the committee and its staff with a thumbnail fiscal and programmatic sketch of just what it is that we do.

In addition, I will submit a more extensive compilation of Federal fundings for Alaska Natives recently published by Governor Cowper's office. This is as comprehensive a list of Native entitlement programs as we have seen, and shows the reader just about everything which the United States has been putting into Alaska Native programs over the past few years. It does not include other types of programs which benefit Natives, as well as non-Natives, in their status as American citizens.

Finally, I will submit to the committee a list of 20 program recommendations which various regional members of the Human Resources Board have forwarded to AFN. This is by no means an all-inclusive list, and should be regarded only as a starting point in a campaign to raise the quality and quantity of Native services we operate.

We have purposely not listed them in order of priority. Some, you will note, speak to the need for additional funding, which we all realize is extremely limited. But several recommendations speak to administrative or operational changes which would not cost anything, and, in the long run, may well reduce expenditure levels.

We have purposely left out recommendations for reform or expansion of programs funded by the State of Alaska, since this committee's attention obviously focuses on Federal funds.

In closing, I want to reiterate that we regard these recommendations as a beginning. They are a few practical, specific ideas for changes which we think would benefit village people, and we would be delighted if action on some or all of them could form the beginning of the new partnership between the United States, the State of Alaska, and the Native community which the AFN has proposed.

Thank you, Mr. Chairman, for this opportunity to testify and to submit written information.

I will be happy to respond to any comments or questions which you or other members of the committee may have.

[Prepared statement of Mr. Pullar appears in appendix.]

The **Chairman**. Thank you very much, Mr. Pullar.

Now may I call upon Mayor Pingayak?

STATEMENT OF HON. JOHN PINGAYAK, MAYOR, VILLAGE OF CHEVAK, AK

Mr. PINGAYAK. Thank you, Senator Inouye and other members of the committee.

My name is John Pingayak. I am the teacher and parent of five girls. I am also the cultural heritage director of Kashunamiut School District. I am also on the Advisory Council on Bilingual and Bicultural Education for the State of Alaska. I am also chairman of the Chevak Company Corporation, established by the Alaska Native Claims Settlement Act. I am a subsistence hunter and fisherman. Also, I commercial fish herring. I am also on the local Fisheries Board.

Chevak is located in the southwestern part of Alaska, about 130 air miles west of Bethel. It is only 17 miles from the Bering sea coast. I consider Chevak as one of the isolated villages in the State of Alaska. We don't have igloos, and our land is not primarily ice and snow. It is a tundra land in which a lot of our lives are connected to. We, as the people, have great connection with the land around us—the environment.

I have brought with me a report that I want to make sure that is included in the record. It is entitled, "The Calista Region: A Gentle People, A Harsh Life."

The CHAIRMAN. It will be included.

Mr. PINGAYAK. Also, I have a written testimony that will be part of my record.

The CHAIRMAN. It will be included in the record immediately following your oral presentation.

Mr. PINGAYAK. Thank you.

Also, I'd like to thank a couple of the people sitting out there. They have given me a lot of help in familiarizing me with Washington because this is the first time I have been here, and I would probably have been lost at the airport. I want to thank Mr. Nelson Anapak and Mike Neimeyer.

On with my testimony.

The kinds of problems that are facing us today in our villages right now at this moment—you know, before I came here I really felt like I was the smallest voice from an unknown land as an individual person. But I sat back and looked at how many people I represent. I represent 17,000 of our own people that are living these problems. I also represent my own children. I have five children. And I also am representing the new generation that is coming up, because what you say here and what you pass as a committee will determine our lives. You will pretty much determine how we are going to live, as indigenous people of Alaska.

Right now we don't have too much guidance, because a lot of our traditional values are being lost. I, as a person, will take and read from the information in front of me and will just know that. But I respect my elders to look at the future of where we are going and what we are going to become. We have to continue to respect them and ask for their guidance.

The future of our people is pretty much distorted because we have no set goals established and we are not working together as one people. There are no precise goals set for us. I believe if we are going to survive I have to be the one to set those goals.

We need unified governments, because right now that distortion of our future comes from the fighting between our people, probably for power. So there are two completely separate governments that are present in our villages, which is the State of Alaska, recognized by the State of Alaska, which is the city of Chevak; and the other, which is recognized by the Federal Government, which is called the traditional council.

I believe if we are going to survive we have to be the ones to choose just one of them. We need one, unified government within our village. We cannot have two or three. We have to have one in order for us to survive. The decision has to be ours.

We need to start reviving our traditional values, because if we don't have traditional values, if we don't have insights, we cannot take care of our problems.

The people that are trying to take care of our problems are from the urban areas. We people living in the village that is surrounded by all of these problems know what the problems are. We know that it affects us and it hurts us when our close relative dies either by suicide or by other accidents. But I don't want to be labelled as an alcoholic if I am an Alaska Native. That is very, very important to me, because the stereotypes can develop when we say that we, the Alaska Natives, have the biggest problem, which is alcoholism. And if we do that, we are going to be looked upon in the stereotypical way and our self-image, self-esteem, will go down, and we have no reason to be living at all.

What I want to see is the identity of the Alaska Natives and be recognized as a real people, real human beings that have the right to survive in this country, the United States. A lot of times I look at and read the Constitution of the United States, and I don't believe that I am part of it because I am usually getting the bad end of the stick.

There is a lot of social change that is going on within our people. In the old days we survived mostly by subsistence, mostly with the closeness of the family. The family was so important that everyone in the family took care of each other. And our extended families were so important that they took care of each other. Right now, our subsistence lifestyle is being changed. Our subsistence way of life is being questioned all the time from the outside.

You know, that is a way of life that has to be given to us to survive out there, because if I ask you what is going to happen to our people if there is an economic crisis within us, out there the villages will face the hardship first. The planes are not going to go out there and feed our people. They haven't done that. And I know in this modern day and age we are pretty much isolated. We don't have roads.

Therefore, our traditional way of living must be taught in the schools and also within our village, because if that happens we have a chance to survive.

Right now the education will pretty much alienate our students in our own environment. And the intrusion of many of these modern technologies to our families is making us not know where we are going. It is giving us a mixed-up way of life.

But, at the same time, we can use these modern conveniences like technology, TV, and radio, to enrich our own way of life in our culture.

One of the problems we have is lawlessness. We cannot identify who is responsible for the law because we have two governments within our village, and we cannot identify whose responsibility it is. Once we do that, we will take care of that problem.

Right now in our villages we don't have sewer and water. That is where a lot of our sickness comes from. In the 20t century, in the village of Chevak, I dump that honey bucket every single day, either with a snow machine or by carrying it by hand. And I have to get water every single day to drink, to cook, to wash the dishes in the 20th century.

I think our problems in the villages must be looked at. And if I am in that condition, why don't you try it for one year yourself and see how you feel. That is where most of our health problems are coming from—uncleanliness—because we have to keep ourselves clean all the time. And we don't take baths every single day—maybe once a week—because we don't have water. We have hepatitis as the biggest problem that is coming from our living conditions.

There are other problems, too. I have been wondering about how come our elders are getting all the cancer. Where is that cancer coming from? How come no one has ever done a study on it? Because for the past 6 to 10 years I have seen 10 of our own people die from cancer, and I don't even know where that sickness is coming from. But the Government or State of Alaska doesn't even tell me. It hurts to see those kinds of problems that are killing off our people.

One of the biggest problems we have in the villages is joblessness, where 90 percent of the people in Chevak do not work. If they don't work, they rely on welfare or disability checks or old age; 90 percent.

I'm telling you the truth, because I see it every single day. And because of that, maybe we have too many social problems.

One of my dreams is that I really want to take care of this problem here. I want to establish the Chupik Institute where I can give a chance for our young people to either prepare to go to college or to have certain vocational training right in our own village, and that cultural center would be dealing with our own people. They will be making sleds and boats, and they will learn how to weld—but do the things that are useful right in our own environment.

I'm telling you about all our problems. I don't know about the future. If I tell you those problems that are going on in the village, I pretty much don't see if we can exist. With alcohol abuse, drug abuse, our people dying of cancer, hepatitis, and other sicknesses. I don't see if we can survive. Right now I feel, our elders feel, our people feel, and our parents feel that our descendants will have tougher and harder times than we do now.

In education, the levels are very low. Our standards are very low. The grade levels are very low. But one of the things that you should invest in is the education of our people.

A lot of problems can be prevented with the proper education for our young people today. If we start now, the problems will not arise in the future. So, therefore, help us with moneys that go to the education of our people, and also, our subsistence protected for us because it is one of the means that makes us survive.

And if there are laws that are going to be changed, please ask us first. If it going to affect the animals or the birds that come and nest in our area, come and talk to us first, because that is part of our life.

We want to ensure the teaching of our cultural ways and our language, because that is the only thing that will tell us who we are and what we would become. A lot of educational materials do not apply to our own people, and therefore I think we need to develop new curriculum to help our people to take care of these problems we have. And with more education with that tool, I think a lot of these problems can be solved.

One of the things we need is for you to make our self-determination stronger. You have to make it so that we feel like we're making all the decisions within our village, because a lot of what is happening here right now is that we sit back and say "It's your problem. You get paid for it. You take care of it." I think it is about time that all of us in our villages start thinking it is our problem, too.

We want to ask you to distribute the money according to the need of the people, because right now with grants we practically compete. We end up without getting any money at all. Usually our dreams are shattered that way. Give us the money according to our needs as people and according to how many people we have.

Right now a lot of our village corporations are failing because we pretty much were actually exercising the social services that our people need because we cannot deny them to die because we have harsh winters, cold winters—minus 70 below zero. And if we deny them oil from the store, their children well die, as well as themselves.

Right now I'd like to make my closing statement. I had an opportunity to travel with a man that came to our area. The unknown man travelled many miles to look at our problems. He told our people he cared, and it showed. The distorted view of our future was replaced by a light—a light of hope that these problems we have will some day be solved.

Thank you, Senator Daniel Inouye, for caring for our people.

[Prepared statement of Mr. Pingayak appears in appendix.]

The CHAIRMAN. Thank you very much.

May I now call upon Mr. Sam Kito, Jr.?

STATEMENT OF SAM KITO, JR., ON BEHALF OF WILLIE HENSLEY, PRESIDENT, NANA REGIONAL CORPORATION, KOTZEBUE, AK

Mr. KITO. Thank you, Mr. Chairman.

My name is Sam Kito, Jr. I would like to thank you for the opportunity to testify today.

I was born in Petersburg, AK, by a Tlinget mother and a Japanese father. At 4 years of age I was dislocated and my family separated because of the second world war, where I spent 3 years in a concentration camp in Minadoka, Idaho. Upon my return to Alaska, I spent time in a Catholic mission in Skagway. I was fortunate, 11 years later, for my family to be reunited in Petersburg to continue my formal education.

Mr. Chairman, I would like to briefly touch on three subjects today: the first is how important it is for you to understand where we, as Native people, are coming from; second, subsistence and the relationship; third, the relationship of alcohol and suicide.

It is important for this committee to understand that the problems identified in the AFN report are generally not new to Native people. We have lived with many of these problems for some time, and we all feel the pain.

The problems in the report are not hopeless; they are fixable, given all of our collective efforts.

During 1987 I was fortunate enough to participate, with over 50 Native leaders from around the State, in a series of legislative retreats sponsored by AFN to identify the most critical needs of our Native people. We set goals for ourselves, asked ourselves fundamentally important questions, such as: what kind of life we want for our children and for our grandchildren; what obstacles we see to fulfilling that vision; and how we, as Native people, and as representatives of our respective organizations, overcome these obstacles.

Some of these included: protection of the use and occupancy and ownership of Native lands; promotion of control by Alaska Natives over our lives and communities and the institutions that affect us; protection of the rights to pursue Native subsistence activities and lifestyles; strengthening of the family unit; elimination of alcohol and drug abuse; and elimination of family violence, child neglect.

These goals identify where we want to be. The AFN report identifies the obstacles which must be overcome to allow our people to live the lives they desire and to protect our unique cultural heritage.

One major item which is absolutely critical to maintain is subsistence base of village economies. For the foreseeable future, little economic development in the village level can be expected to occur which will provide local jobs and the existence of public service and transfer economies which will contract with Federal and State budget reduction.

Our people who live in villages will remain dependent on local animal and plant resources for a significant percentage of their diet. Various public policies guarantee Native protection in subsistence rights and are echoed in State policies; however, actual practice in our villages often differ significantly from the stated policy goals of protection Native access to these resources.

A major policy direction needs to be taken in the Federal and State Governments to ensure that our people have access to subsistence lands for fish and game. This access must not only be maintained but, in some cases, should be expanded.

Mr. Chairman, as you saw on your recent trip to Alaska, subsistence activities are an important component of our way of life and our culture.

The relationship of alcohol and suicide: I would like to say that there is a relationship between alcohol abuse and suicide and other forms of personal and inter-personal violence. This is clear.

nate, 11 years later, for my family to be reunited in Petersburg to continue my formal education.

Mr. Chairman, I would like to briefly touch on three subjects today: the first is how important it is for you to understand where we, as Native people, are coming from; second, subsistence and the relationship; third, the relationship of alcohol and suicide.

It is important for this committee to understand that the problems identified in the AFN report are generally not new to Native people. We have lived with many of these problems for some time, and we all feel the pain.

The problems in the report are not hopeless; they are fixable, given all of our collective efforts.

During 1987 I was fortunate enough to participate, with over 50 Native leaders from around the State, in a series of legislative retreats sponsored by AFN to identify the most critical needs of our Native people. We set goals for ourselves, asked ourselves fundamentally important questions, such as: what kind of life we want for our children and for our grandchildren; what obstacles we see to fulfilling that vision; and how we, as Native people, and as representatives of our respective organizations, overcome these obstacles.

Some of these included: protection of the use and occupancy and ownership of Native lands; promotion of control by Alaska Natives over our lives and communities and the institutions that affect us; protection of the rights to pursue Native subsistence activities and lifestyles; strengthening of the family unit; elimination of alcohol and drug abuse; and elimination of family violence, child neglect.

These goals identify where we want to be. The AFN report identifies the obstacles which must be overcome to allow our people to live the lives they desire and to protect our unique cultural heritage.

One major item which is absolutely critical to maintain is subsistence base of village economies. For the foreseeable future, little economic development in the village level can be expected to occur which will provide local jobs and the existence of public service and transfer economies which will contract with Federal and State budget reduction.

Our people who live in villages will remain dependent on local animal and plant resources for a significant percentage of their diet. Various public policies guarantee Native protection in subsistence rights and are echoed in State policies; however, actual practice in our villages often differ significantly from the stated policy goals of protection Native access to these resources.

A major policy direction needs to be taken in the Federal and State Governments to ensure that our people have access to subsistence lands for fish and game. This access must not only be maintained but, in some cases, should be expanded.

Mr. Chairman, as you saw on your recent trip to Alaska, subsistence activities are an important component of our way of life and our culture.

The relationship of alcohol and suicide: I would like to say that there is a relationship between alcohol abuse and suicide and other forms of personal and inter-personal violence. This is clear.

We must, however, guard against oversimplifying the complexity to avoid saying alcohol abuse causes violence and suicide. Alcohol abuse clearly contributes to and causes personal problems, damages the sense of judgment, and increases the likelihood of impulsive behavior. It is also a symptom of deeper social and personal conflicts.

Abuse of alcohol weakens the bonds of family and community by destroying communication within families and increases the incidence of violence, of child neglect and abuse, and by damaging the individual and community sense of self esteem.

We know alcohol is used in an effort to escape the pain, stress, and frustration caused by massive cultural dislocation. We do not know the specific causes of suicide and why one person chooses that option while the other person, through similar experiences, does not.

If the committee does not already have a copy of the report from the Special Senate Committee on Suicide Prevention chaired by State Senator Willie Hensley, I would like to place that in the record at this time.

The CHAIRMAN. We have a copy.

Mr. KITO. Unfortunately, State Senator, Willie Hensley, was not able to attend the hearings to address this issue directly.

When you look at the suicide experience in our State, we urge you to see the behavior in context of the cultural, social, family, and economic stresses that currently exist in many villages. Suicide, from our view, is a symptom of family and community dysfunction.

For example, many elders and youths no longer speak the same language. Many youths seem to have little desire to live in the same ways as their parents, and see the activities and opportunities available in small communities as too limited. Yet, because of the education which they have received, many are not faced with any choices or very few options.

On the issue of education, Mr. Chairman, if State Senator Hensley has not forwarded it to you, I would like, at this time, to submit a copy of the report on education in the State of Alaska from his special committee.

The CHAIRMAN. It will be received and included at the end of your oral statement.

Mr. KITO. That would conclude my presentation, Mr. Chairman.

The CHAIRMAN. Thank you very much.

We will now hear from Mr. Byron Mallott.

STATEMENT OF BYRON MALLOTT, PRESIDENT AND CHIEF EXECUTIVE OFFICER, SEALASKA CORPORATION, JUNEAU, AK

Mr. MALLOTT. Thank you, Mr. Chairman.

My name is Byron Mallott. I am a Tlinget from Yakutat, AK, where I still maintain my residence and where I have a son just reaching adulthood who has made the choice, at least at this time in his life, to live his life in the village. So these issues are very real to me.

I have been asked to give a perspective on the impact of the Alaska Native Claims Settlement Act. Governor Cowper mentioned in his statement that there have been perceptions about Alaska Native people and Alaskans, generally, that have flowed from two sources; one is, of course, the impact of oil revenues, Prudhoe Bay, on our State; and the second is ANCSA, that act which provided roughly $1 billion and 44 million acres of land in 1971 to Alaska's Native people. Those conventional wisdom or perceptions about Alaska flowing from those two events have caused us some difficulty over the years in enacting or getting enacted public policy that makes sense for our State.

The ANCSA corporations established by the act—some 200 of them, 12 regional within the State, 1 regional corporation outside the State, and essentially a village corporation for every Native-inhabited place within the State—were the repositories of that money and that land. When you divide that seemingly large asset amongst that number of corporations and some 70,000 Alaska Native people at the time on a per capita basis, the opportunity to make a substantial impact immediately is reduced in a very significant way. But the very fact that the headlines read "$1 billion and 44 million acres of land," created expectations at all levels that we have had to live with up to this time.

Mr. Chairman, the ANCSA corporations are, like most institutions, much different one from the other. If I were to go into detail about their individual characteristics it would take some time. So I want to discuss my corporation, Sealaska Corporation, of which I am the chief executive officer, very briefly as an example, not necessarily representative of all of the corporations.

Sealaska, an ANCSA corporation, had land transferred to it over the course of years totalling now about 250,000 acres. We have another 100,000 acres, roughly, to select under ANCSA. We have some 16,000 shareholders which, under the act, are those Alaska Natives one-quarter or more Alaska Native blood who resided generally within the region. For Sealaska, that region is the southeast area of our State.

Sealaska last year had total revenues approaching some $300 million and a net income of over $30 million. We have, for a for-profit corporation, a very aggressive dividend policy. We distribute 25 percent of our net income as cash dividends to our shareholders. Most typical American for- profit corporations do not—those that do have cash dividend programs typically do not share anywhere near 25 percent of their net income.

In any event, those dividends last year provided, on a per capita basis, about $500 to each of our shareholders. This was a substantial distribution for our corporation, totalling over $8 million. But, as you can see from the per capita amount, it was not enough to make a substantial economic difference in their lives.

Sealaska has total booked assets—we have not booked all of our ANCSA lands, for example—of about $200 million. If we were to liquidate the corporation today, again on a per capita basis, our shareholders would receive somewhere in the neighborhood of $25,000 each. It could make an immediate impact for a very short time, but it would not substantially change their lives in the ways that this report that has been compiled and which Alaska Natives see as necessary.

The success of ANCSA corporations has been all over the board. There have been certain corporations that have been very successful, even amongst the village corporations. And, in isolated instances, village corporations which have relatively few shareholders have had the ability to make a substantial economic impact on their shareholder's lives. But, in the main, ANCSA has not been, and the functions of the ANCSA corporations, has not had a significant impact to this time on the lives of the ANCSA shareholders.

Indeed, there have been statements made here—and I think it underlies everything that the AFN report states—that ANCSA has been maybe as much a part of the problem as it has been a part of the solution. In my judgment—and I'm speaking for myself, certainly—it has helped to promote the crisis in identity and the crisis of lack of empowerment that have been stated by many of the witnesses here today.

For example, many non-Natives judge the success and the need amongst Native people in Alaska on the financial statements of the ANCSA corporations, and that if ANCSA corporations are doing well, then their shareholders must be doing well. As I mentioned earlier, that certainly is not the case.

Second, we are measured in economic terms—sometimes internally by our own people, and certainly oftentimes by the outside world. That is not the way Native people want to have their success measured—not by the earnings of a for-profit corporation or the amount of dividends that the individual shareholders receive.

Finally, the land that the Alaska Native Claim Settlement Act provided to Alaska's Native people was placed in the ownership of these corporations. These are for-profit corporations, in most ways like IBM or any other for-profit corporation, and the land was placed in those corporations as a corporate asset in fee ownership.

While there have been, over the years, modifications to that ownership such that there is a modicum of ongoing protection from inadvertent taking, these corporations and their leaders can still sell the land, can hypothecate it, and ultimately the land, through the on-going conduct of the business, can be lost.

The protections that exist are substantial, but deep down and fundamentally that land is still private land, when I think, in the main, the aspirations of Native people are to own that land on a generational basis as tribal lands. And so to the very people that the corporations were established to assist, there is an ambivalence and even a dichotomy of both public policy and internal purpose.

That's not to say, Mr. Chairman, that over time these corporations and ANCSA can't make a difference. But as we wrestle with the kind of life we want to lead as we look at the identify of a people, as we look to a people who feel very strongly about their attachment to the land and their need for it, the fact that the land is currently in the ownership of for-profit corporations and scattered widely around the entire State creates some very deep-seated problems that we, internally, have to wrestle with and which complicates in many ways, I think, more than clarifies the opportunities and directions and options that are available for Alaska's Native people.

With that I will close, Mr. Chairman. Thank you very much.

The CHAIRMAN. Thank you very much, Mr. Mallott.

Before proceeding with the questioning, I would like to recognize the presence of a very distinguished member of the House of Representatives, the Congressman from Alaska, the Honorable Don Young. It is good to have you with us, sir.

Mr. YOUNG. Thank you, Mr. Chairman.

I thank the panel and thank the people in this room who have testified and who will testify. I notice we have numerous panels, and I will not take too long.

STATEMENT OF HON. DON YOUNG, U.S. REPRESENTATIVE FROM ALASKA

Mr. Chairman, I appreciate being here and being given the courtesy to testify today. The concern and time being extended by yourself and the committee is greatly appreciated.

Mr. Chairman, the Alaska Native people have one of the longest and proudest histories—and I say that with great sincerity—in the world. They have a history and a custom of looking out for one another, and they still do in times of trouble and difficulty and in good times. They are fine and proud people, with some fine leaders represented here today.

My point in testifying here today is simple—and, John, I am one of the few people in this Congress that still gets his water in barrels in the home and still has an outhouse. Probably the only one, by the way. I know the problems and the challenges. I know the key to survival and well being for some of the Alaska Natives, and especially the one key that I have not heard, but from some people I have heard it in recent days, and that is pride.

All the Government programs that we have proposed and the millions and millions and millions and millions of dollars of funding will not help without the pride and self esteem that the Alaska Native people are seeking. From limiting alcohol to providing jobs, all steps start with pride, and "We can do it" spirit.

Our role in Congress is to ensure strong and reachable health programs which will help the sick in times of trouble and provide preventive care when needed. This help needs to be provided in each and every village.

Beyond this, we need to ensure that employment opportunities exist in the Native villages. Where I differ, probably, with the report that was submitted to this committee, Mr. Chairman: providing just cash to villages is not the answer. Cash payment and cash requirements distort village life. Hunting, fishing, and community do not require a large amount of cash in Alaska. For many Alaska Natives lives are changing, but it would be wrong to fund the distorted changes of modern life by Federal cash payment.

I believe the overall record of the AFN report is accurate. We have serious problems in many villages. Native children are being graduated from schools without being able to compete in college. And there are very few job opportunities which take into account Native lifestyle.

Alcohol, as we have heard from this witness and other witnesses, remains the major problem, along with drugs, in many villages, and it has greatly affected many individuals and families. Alcohol abuse dangerously invades families and destroys the natural caring nature of the Native people.

Mr. Chairman, I will digress from my written statement to say that I have lost two brothers-in-law to alcohol, both by drowning. I know the feeling of loss because of alcohol.

There has been some remarkable success in villages by limiting alcohol or prohibiting it totally, and I support that within the State of Alaska. I think it is correct because, in that sense, the people of that village realize and should have the opportunity to prohibit and consumption or possession of alcohol.

I agree, Mr. Chairman, in Congress we can and should maintain, as I said before, health programs directed at alcohol abuse. Our work together on the Drug Bill, the Indian Health Care Improvement Bill last year, and the funding we have increased for the community health aide programs in villages are all right steps in the right direction. I'm proud that we have been able to strengthen, in many cases, health programs in the villages. We are far from succeeding what we want to achieve.

We also need to provide realistic employment opportunities. One of the problems, Mr. Chairman, is most Native villages were located because of a transportation corridor of water or the availability of fish and wildlife. There are very few other opportunities in those villages. The answer may be the merit culture programs and programs related to water. We can do this collectively as a Congress by being sensitive to Native communities needs and consideration of other laws, such as land use laws, in Alaska. We can also do this by encouraging private opportunities, such as those employed by Doyan and Calista Corporations which allow flexible work schedules for Natives wishing to stay close to home and to work for limited times.

But there is a limit on what Congress can do to help maintain pride among Alaska Natives through Federal programs. It is up to us in the State and the Native leaders and the Native elders and the Native teenagers to maintain and identify that pride within themselves.

This does not come from taking away people from other people, or, in fact, from having racial bigotry. Bigotry is a two-way street. It comes from the pride in the people of the Natives of Alaska and their families and their communities.

Mr. Chairman, I pledge to continue to work with you and the people on my side of the aisle.

I'd like to close by saying that in the report it mentions the education, and the Governor's testimony mentions education. I think it is time that the Native leaders, the elders, and the State legislative body look at the education systems within their community, and possibly look at Mount Edgecumbe.

I have recently had the privilege of visiting Mount Edgecumbe, which is a school, Mr. Chairman, that you helped fund to the tune of $27 million, along with the State and the Governor's help. It is an example of what can be done. And the pride that those students have by going to that school and the education they are receiving, compared to those that come out of the villages with a high school diploma and try to get a job or go to college and cannot compete.

That's not fair to the youth. It is not fair to the villages. And it is certainly not fair to the Native pride.

Thank you, Mr. Chairman.

The **Chairman**. Thank you very much, Mr. Young.

I have listened to your testimony very carefully, and all of you have spoken of education and job opportunities. You have spoken of the unacceptable health conditions. But throughout your testimony I think all of you have had the common thread of the importance of self esteem and cultural identity.

The Federal Government does play a role in the establishment and maintenance of self esteem and cultural identity. In fact, we do play a very important role. But the role that we play may oftentimes not be an overt role. We may do so without any ill intentions, but through lack of sensitivity.

For example, this city is looked upon by many as the city of monuments. There are over 400 statues and monuments in this city. Nearly every traffic circle has a major monument of some Confederate general on horseback. The Capitol Building has nearly 200 statues of distinguished Americans. But of the 400 statues and monuments, ranging from the Lincoln Memorial to the Washington Memorial, there isn't a single one to honor a Native American.

The Capitol Building has a bust of an unknown Indian, but otherwise this Nation has not recognized Native Americans, the first citizens of this land.

Then, at the same time, we do have a museum that does have displays of Native Americans, together with shrunken heads and dinosaurs. They have displays of Eskimos, Native Hawaiians, and Indians. And then, if you look into the green boxes that are stored in the Smithsonian, as Mr. Pullar has indicated, there are 18,000-plus skulls and skeletal remains of American Indians, with 4,000 of them Alaskan.

We are going to do something about this. We are now in the process of using the final spot on the Mall, the most precious piece of real estate in this city. It will be the land closest to the Capitol. It has been set aside and designated for the construction of a museum for American Indians and Alaska Natives.

The Office of Management and Budget has indicated at a recent hearing, in response to my question, that they will look with favor upon the appropriation of $5 million for initial design and planning, so this museum is on its way so that we can recognize not only the existence, but the grandeur and the contributions of Native Americans, so that Native Americans can see what they have done and we who are not Natives can appreciate what you have done for us and what you have contributed to American society.

So self esteem is very important.

How do you think we can assist you in developing and maintaining a high level of positive self esteem? Do you have any suggestions?

Ms. **Leask**. One way, I guess, Mr. Chairman, is recognizing the fact that self esteem comes from the individual, and it comes from the individual feeling good about their identify and who they are. It also comes from the individual who feels that he has a sense of power over actions and policies that affect their own lives.

Certainly I think there are a number of different villages, such as Chevak is doing and Sealaska and some others, who are instituting cultural pride programs within their own villages. Program funding can be made available for that, but it is the villages and the people, themselves, that need to recognize that that is something that is not only important to them, but it is something that they need to physically do and they need to take advantage of.

There are plans now for a statewide museum, a culture center for Native people, one that is being actively pursued by a number of different village and regional corporations in partnership with the State.

There are a wide variety of activities that are taking place on the cultural end of it, but I think a lot of it relating to one of my original themes was the feeling of power that people have over their own lives. I think that plays a very important part of it, and part of it would be taking a look at the policies which directly affect people and to maybe bring those policies, instead of being handed down from the top down, go to the people, themselves, and ask them how they feel about this, what is important, and what kind of solutions they have.

Others may also have some ideas.

Mr. **Mallott**. Mr. Chairman, I think that in the area of public policy, clarification of the tribal status of Alaska's Native people is important. Alaska's Native people know that they are tribes. They are recognized in a variety of statutory forms, regulations, and so forth. But there is a sense—a rather compelling sense—that, particularly at the Federal level, there is a real ambivalence, and even a desire to somehow remove the tribal status of Alaska's Native people. That has caused very significant difficulty for us.

And I think that in the area of self esteem and identity, when you have a people who know who they are but have no real ability to have that focused at the Federal level in a way that accommodates their desires and aspirations of a people, that is a very real probiem for us.

The **Chairman**. Before proceeding any further, unfortunately I will have to leave the city of Washington to return to Hawaii because we will beginning the many events to celebrate the 30th anniversary of Hawaiian statehood. Like Alaska, this is our 30th year of statehood. In a few minutes I will have to be leaving and Senator Murkowski will be following through.

There are two things that, as chairman of the committee, I will be doing. One, in order to receive testimony of the remaining witnesses, I will authorize the staff director to carry on. But, more importantly, I wish to assure one and all here that these hearings will be continued in Alaska to permit all of you, at greater length, to discuss your problems with us.

As you know, today the Senate is involved very heavily in many activities. One is the nomination of the Secretary of Defense. As a result, several of our members of this committee are active participants in the debate, and obviously they cannot leave the floor. So I hope you will accept this apology.

Do you have any further comments you would like to make?

Senator **Murkowski**. Mr. Chairman, prior to your departure I would like to notify our witnesses and our guests that at approximately 12:15 I will be turning the gavel over to the professional staff, and while this is something that we would with not occur, it has a precedent on this committee. And, as I have indicated to you and the staff, this is, indeed, unfortunate; but, nevertheless, our staff will remain and the process will go forward.

The CHAIRMAN. I will personally return to Alaska to continue these hearings. I think that might be better.

Please continue.

Mr. PINGAYAK. In order to ensure the self esteem of our people, the concern must come from the Senate or the House of Representatives. In other words, I'm saying it has to come from the top.

A lot of times we try to establish our own self esteem at the very bottom, but it never works up because if you have one concerned Senator, or two or three, and they express that from the very top, the message is going to go like wildfire and will reach us and the self esteem of our people is going to be a lot higher because somebody up there in the high status cares about our people.

The CHAIRMAN. Self esteem and cultural identity is important not only to Native Americans, but to all of us. Without identity, our recognition as a member of the human family would disintegrate. So I recognize that importance and I can assure you, Mr. Mayor, that we will do everything possible. The next time I visit your village I hope to see improvements.

Mr. PULLAR. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. PULLAR. Could I make one final comment in response to your question.

The CHAIRMAN. Please do.

Mr. PULLAR. By giving you a brief description of our area on Kodiak Island. Recently, through carbon dating in archaeological sites, it was determined that our Native people have lived on Kodiak Island for at least 8,000 years. It is only in the last 200 years that we have had contact from western Europeans. The first 100 years of that was Russian occupation, of which there is still much evidence clearly visible. Many Russian traditions have been incorporated into Native lifestyle.

In the past 100 years we have been under the United States. During that short time period so much of our traditional culture has been lost; yet, there are many examples that were taken from Kodiak Island during the 19th century and are in museums all around the world, with many very fine examples here in this city, some of which are on display—currently a very wonderful exhibit, "Crossroads of Continents," at the Smithsonian.

People in our villages have never seen those items. And unless we can find a way to develop local repositories and a place to keep those kinds of things, it is unlikely that people will be able to see the work of their ancestors, which has an important contribution to self esteem.

The CHAIRMAN. One of the provisions in the Museum Bill calls for the establishment of regional museums and the sharing of items with established museums throughout the land. I would assume that one of the regional museums, if they are established at all, would be in the State of Alaska.

The other matter that has a common thread throughout your testimony was the maintenance and strengthening of what you call subsistence economy or subsistence lifestyle. What can we do to make certain that you maintain a strong subsistence economy?

Mr. KITO. I think, Mr. Chairman, the Federal and State agencies need to read the letter of the law and implement the law more than trying to find ways to right the law to circumvent the opportunity to subsistence hunt and fish.

We are going through a time where Congress passes a law that mandates a rural priority then we still have to go to the State legislature and we have to implement the law. But I think all the way down through the departments there has to be an intent from the departments to, in fact, recognize what the Federal Government wants to have done rather than trying to find ways to slow down the opportunity for subsistence in rural communities in Alaska.

The CHAIRMAN. Any further comment?

Ms. LEASK. Mr. Chairman, I would just echo that remark. The subsistence issue has been a very lively and a very emotional issue in our State for the past several years. There was an effort in 1982, a statewide initiative to repeal our State subsistence law. That was defeated. But since that time we have run into difficulties in implementing that law.

There is, in the Federal legislation, the D-2, the Anilka legislation, a preference for subsistence for rural users. It seems that, as Mr. Kito said, it would be very helpful in ensuring that both the Federal Government, as well as the Federal departments, implement that law to the letter and the intent of that.

The CHAIRMAN. Throughout my visit to the Native villages and from your testimony I gather that there is another concern of many, and that is the Alaska Native Claims Settlement Act [ANCSA]—the mixed blessings of ANCSA. On the one hand, it may be very positive; on the other hand, it may be very destructive of the very thing that you are seeking—cultural identity and self esteem.

What, if anything, can be done by Congress to make ANCSA closer to what your aspirations are?

Mr. PINGAYAK. Right now on the 22(g) lands in the areas that are close to our village we cannot develop any kind of developments within this area, so the opportunities we have within some of these village corporations are very, very slim because we cannot develop this.

At the same time, we have to be given an opportunity to develop compensation and improve the economy of our people, because the joblessness right now is one of the biggest concerns.

One means of doing something about these lands, especially the 22(g) lands, would really benefit those corporations that are pretty much in the read right now and they don't have any money to operate, but a lot of them are going bankrupt now because we are limited to what we can do.

The CHAIRMAN. With great regret, because I must leave now, I will now transfer the gavel to Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

I will be very brief with my questions.

With regard to the levels of government, I think it was expressed by the witnesses, but there is a difficulty of the IRA existence in your communities and villages, there is the realization you have the village council, and you indicated three levels. Are they the IRA level, the village council, and then the municipal as the levels that are giving you the concern over the duplication?

Mr. PINGAYAK. Right now there are two that are the governing bodies within our village, and one of them might be the village corporation, too.

Senator MURKOWSKI. The village corporation is one, and the other is what?

Mr. PINGAYAK. City. The Chevak that is recognized by the State of Alaska. And the other one is either IRA or traditional council, which is recognized by the Federal Government.

Senator MURKOWSKI. Thank you for that clarification.

Mr. Kito, can you indicate your point of view, as the representative of one of the larger regional corporations, what ANSCA can do specifically, or is doing, to improve the role in village Alaska?

Mr. KITO. I think that what the regional corporations collectively are doing is to join together with the non-profits and with the village corporations to solidify and expand the base of AFN to address the issues in the rural areas of the State and to coordinate priorities and issues that are very important to people that reside in the rural areas. And those priorities become a main theme of where the regional and non-profit corporations and AFN start to set priorities for the issues that they are going to be advancing.

ANCSA legislation sets up the ability for monetary distributions through villages and to regions, and if they are successful, that economic stream goes through. But I think that the more important issues that are addressed statewide are the priorities that are developed in the convention and the collective boards of village, regional non-profits and profit corporations.

Senator MURKOWSKI. Thank you.

As president of the Alaska Federation of Natives, Janie Leask, I'm sure you have addressed the possibility of trying to involve the private sector in a role in rural Alaska. I have commented in my opening statement that some of the reservations, through their Congressional delegations, have been able to bring some type of employment in some type of a manufacturing facility. We have seen the effort in Angoon in computerization.

Can you give us any hope that there might be something that we could do to assist from the Federal level in encouraging the private sector to go out there and utilize the talents of a very productive people, people that are very dexterous but isolated?

Ms. LEASK. I don't know if I can give you a lot of hope, because we are still looking into this issue.

As I mentioned in my testimony, AFN will be sponsoring an Alaska Native Economic Development Seminar in May to really get into this issue.

As is in my testimony, and as you well know, Native villages were largely established there for subsistence purposes, not because they have an economic base or they have timber or mineral resources. Consequently, you find many villages that do not have those resources. Some villages who don't have the natural resources are, like Angoon, looking into ways in which they can get into industries.

There are a number of different villages in the interior who export a certain expertise that they have, such as fire fighting. We recently received a number of different figures that outlined the economic impact that fire fighting teams have on many of the villages, and it is tremendous.

But I think one of the things we are going to have to do is take a look, if there is no economic base within a particular village, and see if there is some kind of expertise that village then can export. Is there a regional economy that can be made, such as NANA, with their mine in which they draw upon employment from surrounding villages to go to work in the mine for certain times? NANA has a very flexible employment picture for people where they can go there for certain periods of time and then return to the village.

I don't think there is any question that during the pipeline, the employment that was done by Native people is the kind of employment where people like to go for certain periods of time and, in turn, like to return to their village for hunting and fishing.

There are no easy answers, at all, and there is no magic pill for the whole economic issue and what you can do to provide jobs and opportunities for the rural areas. It is something that, as I mentioned, we are just starting to get into and we are going to have to build upon. We will at least start the dialogue with the private sector.

Senator MURKOWSKI. I can assure you that your delegation looks toward any conceivable scheme to try to bring in some productive activities that would employ Alaskans in their rural area. I know it is reaching, but I feel very strongly. The area of creation of real jobs based on productivity, as opposed to social welfare expansion, is an area in which I happen to be very interested.

Ms. LEASK. If I might just add, too, one of the ways—local governments, and also the public sectors, are very big employers within villages, and one of the things that we can all do is to encourage those jobs that are in the villages to be held by Native people who need them the most at that level.

Senator MURKOWSKI. Well, we're talking, obviously, about the issue of local hire, which has been discussed at great length by all Alaskans as to the realities associated with maintaining a viable labor force in our State. I think we all agree that industry could do a better job and has to be continually reminded of the merits that it is good business to hire Alaskans.

Thank you, Janie, for your comments.

I'd like to talk next to Byron Mallot, because I think he brings an input that is associated with the transition of an individual who was brought up in a system that is no longer prevailing in Alaska from the standpoint of education—a young man that has gone to boarding school as the only opportunity, I gather, for educational opportunity at that particular time, now heads up one of the 500 corporations in the Fortune 500 in the sense of Sealaska's significant activities and diversity.

You live in the real world, Mr. Mallot, in relationship to having to compete with organizations that do business in Alaska not because they are in love with Alaska or the fact that they have a constituency in Alaska, but because they can make a return on an investment in Alaska. Yet, your obligation is one to your shareholders, who are resident Alaskans. Your obligation is a balance between the environment, the ecology, and the resources.

My question to you, sir, is: as you address your responsibility and the dilemma that we have in the traditions of trying to maintain rural Alaska in the State that we have known it, and the reality of the educational process, can we bring to rural Alaska enough activity if we concentrate on expanding the resource base of our State by developing our resources? That's easier said than done, obviously, because the economics are going to ultimate dictate that.

Should we utilize a portion of the leverage potential on our State funds, in the sense of our permanent fund, to use that as a vehicle to provide a greater base for our people? Or should we face another alternative that some that look at this very objectively say there is no hope in the rural village atmosphere to maintain continuity of the sensitivities associated with the job market and the production and the employment?

We've all heard the employment figures ranging from 90 percent, plus, on employment. You've observed the transition. What do you think is the answer? I recognize that these are off-the-cuff opinions, but they would be valuable to this committee.

Mr. MALLOTT. Well, I think that everyone recognizes and concedes that, if economic development in the future is going to take place in our State, it is going to take place in the rural areas. That is where the resources are. So in some ways we are dealing with a timing issue here. In addition, I think it is important to note that much of the land base that Alaska Native own now is fixed and it is built around village sites. So the maintenance and the ownership of that land, over time, if it is going to remain in Native ownership is going to require a Native presence on that land in those locations.

In addition, I think that—and this may be a controversial statement, and it is following up, in some ways, on your question to Janie—that the ANCSA corporations, particularly the regional corporations which, at the current time, seem to have the most opportunity and resources to create economic activity anywhere, have got to deal with some problems that are built into ANCSA.

Part of the promise of ANCSA—and I think a very unrealized promise of ANCSA—is that the ANCSA corporations, again particularly the regional corporations, would work together to bring economic development to their shareholders where they live—again, the rural areas of the State. A very inhibiting factor in—for all practical purposes, ANCSA corporations, while ANCSA was passed in 1971, have existed as businesses for roughly a decade, and that is a very, very steep learning curve, as you certainly are well aware.

But we have reached the point, I believe, where broadly, amongst the ANCSA corporations—again principally the regional corporations, although in my region there are some very, very capable village corporations—have the ability, have the resource base, have the institutional strength now as business corporations to work together to bring long-term economic development opportunities to our regions.

There is a very inhibiting section of ANCSA called 7(i) which requires ANCSA corporations to share 70 percent of ANCSA resources revenue one with the other. The interpretation and the implementation of that section of the act, which is unprecedented in the history of private enterprise, has been very, very difficult. It has inhibited and, in some instances, I believe, even stopped us being able to move together to do what ANCSA was supposed to do, and that is to create economic opportunity where our people live. I really believe that is an issue that ultimately Congress is going to have to wrestle with once again.

Senator MURKOWSKI. I'm glad to hear that. [Laughter.]

Mr. MALLOTT. And the State, at the current time, with a significant portion of its budget dependent upon oil revenues, has had a very positive impact from the operation of ANCSA corporations. Next to the operation of the oil industry and the government, itself, ANCSA corporations are a fundamental underpinning of the Alaskan economy. And the ANCSA corporations have been very courageous investors in the Alaskan economy. They have invested where angels have feared to tread, and for reasons, again, that flow from the purpose and philosophy and values that are inherent in ANCSA.

Whether we use the permanent fund, whether we use other sources, whether we are taxed, how local governments are structured, where the State goes with its fiscal policies, economic policies, whatever, there is absolutely no question that ANCSA corporations are going to be key elements either in leading, being active participants, or being impacted negatively or positively by those actions.

So the questions you raise are, of course, very fundamental and important ones. I guess the ultimate answer that I would give, is that no matter what the answers will be—and they are evolutionary. If we could take them at this table that would be something that we would all wish for, certainly. But I think the answer I would give ultimately is that no matter what happens, the ANCSA corporations can be a key feature. We are the largest private land owners within the State of Alaska with incredible potential.

Impediments and difficulties within ANCSA, itself, and in our relationships with other institutions within Alaska have somehow got to be unfettered and modified within the intent of ANCSA so that we can realize our potential.

Senator MURKOWSKI. Thank you very much.

I appreciate the input of the panel, and we appreciate, also, your contribution in being with us for the extended period of time. I wish you a good day and thank you very much for coming.

I would now call on panels 4 and 5. The Honorable Ed Thomas, president, Tlingit and Haida Central Council in Juneau; Mr. Willie Kasayulie, chairman, Association of Village Council Presidents, Bethel; and on panel 5 I would ask that Margaret Roberts, Alaska Native Health Board, Kodiak, be accompanied by: Ms. Debra Caldera, Alaska Native Health Board, Seward; and Ms. Jeanine Kennedy, executive director, Rural Alaska Community Action Program in Anchorage to join us at this time.

I'm going to ask that we try to keep the remarks to 5 minutes. I would ask you to summarize your remarks if at all possible, and I would ask that the chief counsel keep time on the witnesses. I will call upon you at the end of 5 minutes to ask that you wind up and summarize your final remarks, which is a common procedure.

As far as I am concerned, anybody can go first. My order is Ed Thomas, first, but if anyone has to be committed to something else, they may proceed if that is what the priorities are.

STATEMENT OF HON. ED THOMAS, PRESIDENT, TLINGIT AND HAIDA CENTRAL COUNCIL, JUNEAU, AK, ACCOMPANIED BY DAVID S. CASE, ATTORNEY

Mr. THOMAS. Mr. Chairman, my name is Ed Thomas. I am the elected president of Tlingit and Haida Central Council, which is Federally recognized tribe in southeast Alaska pursuant to the act of 1935, as amended in 1965.

For the record, I would like to request that David Case, who is counsel for Tlingit and Haida, be allowed to say a few remarks in conjunction with my testimony.

Senator MURKOWSKI. Without objection.

Mr. THOMAS. Further, I would like to state that my testimony that I am going to give verbally is not a reading of my written testimony, so I will be submitting my written testimony and request that an addendum that I am going to be providing to that testimony be allowed to be attached at a later time when it is completed.

Senator MURKOWSKI. Without objection.

Mr. THOMAS. Before I get started, I think it is important that we, in Alaska, thank that this particular committee, the Governor of Alaska, the Alaska delegates, AFN for putting forth the research paper and report, and especially the staff of the Senate Select Committee on Indian Affairs who has worked so hard to provide us a forum by which we can have our concerns, our recommendations, and desires heard in the halls of Congress.

I have been very pleased to have the opportunity to work with the Senate select committee staff, and am pleased to state that during the past 3 or 4 years we have seen tremendous progress in the ability of tribal governments to do business relative to programs that affect our people. Some of my testimony will be along those lines.

A I stated in my testimony, I want to make it clear that our people have always taken great pride in working as hard as they can to solve their own problems. I think that it is important to recognize, as we have made the transition from a subsistence lifestyle to a commercial and multi-political society, that we have had problems in doing that—not always from our own problems, but also problems from outside influences.

I think that as you look at all these problems that we are looking at, especially that of alcohol abuse, drugs and alcohol did not exist in our early societies and, therefore, so many of our people cannot deal with drug and alcohol abuse. And even if we had the systems that are set up in middle America, I'm sure that there would be a very difficult time in dealing with this because of the transition between one culture to another.

I think it is important to talk about the kinds of resources that are now available that are being siphoned away by large, bureaucratic structures that not only are cumbersome to deal with, but are also unsure about their own role and responsibilities in dealing with the status not only of Alaska Natives, but American Indians.

Of the three reasons that I talk about, I think that of recognizing the status of the people you are dealing with is probably the most important. But to try to keep in concert with my own written statement, I would like to talk a little bit about the transition in cultures.

I think we heard from previous testimony that people are caught in a situation of deciding between the various types of government. I think that with a little bit of leadership or a lot of leadership we probably can allow people to better sort out their differences and be able to maximize the benefits that are presented to them under both or all three systems of governance or utilization of resources.

In my second point that I talk about in my testimony I mention the challenges of our tribal sovereignty, and I talk about how this country, the United States of America, has provided assistance to other governments, people who have governed themselves but have run into problem. Our country has willingly provided assistance to them without challenging their right to self-government.

Even after wars, such as the second world war, we did not go in and say, "Well, we conquered you now and we're going to take away your right to govern yourself." That's not what we did. We provided assistance to them to help them eradicate the problems that were brought about by the wars.

However, when we are dealing with American Indians, that is completely changed. When our people run into problems, the first thing that happens it that the bureaucrats start challenging the rights of our people to govern themselves. I think that issue, alone, has diversified and diverted the attention of our leadership. Instead of dealing with the real problems and solutions, we are dealing with political maneuvering. We go through the bureaucratic shuffle every year.

Senator MURKOWSKI. Mr. Thomas, you have 2 minutes left.

Mr. THOMAS. As you know, I probably could talk about this all day. I really am sorry we got limited time.

We talk about the bureaucracy having $3 billion and 40 percent going to the administration of these programs. In the BIA, alone, we have $1 billion budget, in which only 27 percent of the money gets down to servicing the people that Congress intended to be serviced. If that's not correct. I would like to see somebody provide me with an updated report on that. But in 1984 that was, in fact, the status when you take into consideration all the costs that are absorbed by administration.

I would like to divert from my written testimony and talk about my support of the recommendation of Governor Cowper's initiatives. I want to say I support them wholeheartedly. I think there needs to be more done in the areas that he has identified. But I want to zero in on the putting together of the joint committee on the status of Alaska Natives. I think, now that the opportunity and the recognition for that is here, we need to focus in on that kind of a work group so that we don't lose sight of the need to work together on eradicating some of these problems.

In closing, the question was asked: how could we allow ANCSA to meet the aspirations of the people who are now affected by it? The very simple to answer to that is that if village corporations wanted to put their land in the trust of the Federal Government, I think they should be allowed to do it with no questions asked. Just do it.

[Prepared statement of Mr. Thomas appears in appendix.]

Senator MURKOWSKI. Thank you, Mr. Thomas. I want to assure you that your entire remarks will be entered into the record as read and considered in full by the committee.

Our next witness—

Mr. THOMAS. Can I ask David Case to say a few words, please, Mr. Chairman?

Senator MURKOWSKI. I would prefer to go on to the next witness, as scheduled.

Mr. Willie Kasayulie.

STATEMENT OF WILLIE KASAYULIE, CHAIRMAN, ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS, BETHEL, AK

Mr. KASAYULIE. Thank you.

It is always an honor to testify in the many functions of the Federal Government to seek ways to improve our responsibilities to the people we represent.

It is also a distinct honor to testify in front of Chairman Inouye, who left, for his knowledge on the plight of the indigenous governments to achieve tribal sovereignty in these United States.

On behalf of the Yupiit people I represent, I would like to thank Chairman Inouye, through staff, for the opportunity to testify and to thank him for his visit this past fall of 1988 into our homelands in southwest Alaska to gain first-hand knowledge of the many problems we face.

For the record, my name is Willie Kasayulie, chief of the Yupiit Nation and chairman of the board for the Association of Village Council Presidents. I represent approximately 16,000 Yupiit from the Kuskokwim River, Lower Yukon River, and coastal and tundra villages between the drainages of both rivers.

I was very pleased with the comments made by Chairman Inouye on tribal sovereignty during the December 19, 1988, meeting of the committee staff members and tribal officials. With the support of the chairman and the support of Secretary Manuel Lujan I feel that a lot of tribal government issues of Alaska will be addressed.

I tend to agree with some of the findings of the AFN report on the "Status of Alaska Natives: a Call for Action." They are very alarming and are very close to the heart of my people. The report clearly identifies the Alaska Natives dependence on government-financed assistance due to no economic development in the regions, epidemic of suicides among the Native youth and low academic achievement by the Native youth and their inability to compete in the job market due to proper education.

I am here to make constructive comments on the AFN report as it relates to our region.

Although the Alaska Native Claim Settlement Act has attempted to encourage economic development on the village and regional levels, they have not produced economic self sufficiency to benefit their shareholders. Many of the corporations invest outside of the villages and regions to make a greater profit.

Some of the corporations are failing due to lack of management skills, and few of the corporations are succeeding.

In all cases, the traditional homelands of the Alaska Natives are assets of these business corporations. Although the 1971 amendments to ANCSA mention the after-borns, there is no guarantee that the Native youth born after December 18, 1971, will fully benefit from ANCSA corporations.

As indicated in the AFN report, the majority of the Alaska Natives still depend on the subsistence way of life to supplement the needs of their families in western Alaska. Traditional, unwritten laws govern each family to respect all living things to ensure that coming generations benefit from the resources we still depend on this day.

With the advent of western standards, most, if not all, of the loss related to renewable resources that we depend on are enacted in Juneau and Washington without any consideration of the traditional laws the Alaska Natives have maintained throughout countless generations.

In a sense, the State and the Federal Government have assumed the responsibility of enacting legislation for the benefit of Alaska Natives without any consideration to the traditional laws that may already exist. In some cases the western laws conflict with the traditional tribal laws of the Alaska Native.

The Federal Government has shown some interest in providing education to the Alaska Natives in western Alaska since the late 1800s. Eventually the Bureau of Indian Affairs established day schools in the villages and assumed responsibility until the last of the bureau-funded schools were transferred to the State of Alaska in June 1985.

Senator MURKOWSKI. Mr. Kasayulie, you are going to run out of time and I want to make sure I hear your entire message, so I think you have been known to very eloquently get your message across as far as the bottom line.

Mr. KASAYULIE. I would like to have the opportunity to read my statement, Senator.

Senator MURKOWSKI. We are going to limit the time of the witnesses equally. I just want to make sure we all understand that.

Mr. KASAYULIE. Because of the traditional subsistence activities, the Alaska Natives depended on and conducted the education of their children in village schools that were given to the itinerant teachers hired by the Bureau, and eventually the regional school boards under the State's REAA system.

Today there are very few numbers of certified Alaska Natives teaching in rural and urban schools.

Up until a few years ago, the schools taught our youngsters about the activities of western culture without any due consideration about our traditional historical events. It was the job of these schools to assimilate the Alaska Native into a western way of life and to abandon the traditional lifestyle that we were accustomed.

I am not saying that the educational system that we now have is bad; I am saying that we need to incorporate the tribal and western cultures to improve the present educational system to produce marketable skills in our respective regions.

In order to achieve success, the tribal governments must be involved in the process of developing a sound educational system. For that matter, the tribal governments also must be involved in the economic development of the resources that we depend upon. A close working relationship needs to be established between all Alaska Native tribal governments and regional organizations that provide services to Alaska Natives.

In all of the problems identified by the AFN report, the key ingredient of the Alaska Native tribal government is missing. Corporations, whether for-profit or non-profit, tend to be biased because of the nature of where their funding source comes from. The history shows us that the corporations come and go. The nature of the tribe is inherent and, therefore, permanent.

The AFN report also identifies the epidemic of suicide of Alaska Native youth in western Alaska. Many are high school graduates and college-age youth with little or no jobs available in villages they live in. The majority of these suicides are from my region. The tribal leadership in my region is very concerned about the epidemic of suicides because the youth are supposed to be our leaders in the very near future. Although alcohol is a factor, unemployment and lack of jobs is also a factor.

As we all know, the healing must come from within. The tribal government structure seems more sound and responsive to deal with the many problems faced by the Alaska Natives. Too many times we have brought outside experts that do not understand our culture to solve our problems.

Our Native governments, our traditional healing methods, and our traditional laws need to be recognized and implemented.

I would like to present through staff to Chairman Inouye the book entitled, "The Yup'ik Eskimos," by Ann Fienup- Riordan.

Senator MURKOWSKI. So noted.

Mr. KASAYULIE. The book is about the very region that I come from in the mid-1800s as described in the tribal journals and ethnographic accounts of Moravian missionaries John and Edith Kilbuck from 1885 to 1900.

In a span of 104 years, it shows considerable change in the traditional lifestyle of the Yup'ik up to this day. It documents the governmental structure of the Yup'ik in pre-western contact. To read about my ancestors of only 70 to 80 years ago, it is appalling to note the deterioration of tribal control over our lands, resources, and people.

For that reason—

Senator MURKOWSKI. I'm sorry. I must ask that you stop your statement, please.

Mr. KASAYULIE. [continuing]. I will complete with the recommendations that I would like to present to the committee: No. 1, that the Federal Register contain only the list of all Alaska Native tribal governments, excluding ANCSA corporations; No. 2, that the Senate Select Committee on Indian Affairs encourage the development of a clear policy to recognize the inherent governmental authority of the Alaska Native government; and, No. 3, that the Senate Select Committee on Indian Affairs encourage the reestablishment of trust responsibility in education, housing, social, and economic programs for Alaska Natives.

Thank you.

[Prepared statement of Mr. Kasayulie appears in appendix.]

Senator Murkowski. Thank you very much, Mr. Kasayulie.

Ms. Margaret Roberts, Alaska Native Health Board, Kodiak, AK. We welcome you to the committee and we look forward to your testimony.

STATEMENT OF MS. MARGARET ROBERTS, ALASKA NATIVE HEALTH BOARD, KODIAK, AK

Ms. Roberts. Thank you, Senator.

Debra Caldera's and my testimony are together. At the end of my testimony I would like to recognize her.

My name is Margaret Roberts. I am the vice chairman of the Alaska Native Health Board. I was recently elected chairman for the Kodiak Tribal Council, who represents the Shoonaq Tribe, to serve a 2-year term; and chairman of the Kodiak Area Native Association Board of Directors.

The Alaska Federation of Natives report on the "Status of Alaska Natives: A Call for Action" details the crisis in the health status of Alaska Natives. The report, if anything, understates the problems. We are plagued by a horrifying suicide rate. The ration nationally for suicide is approximately 12.5 per 100,000 population; in Alaska we have seen rates as high as 750 per 100,000 in some areas. A village of 230 people losing 3 young men in 1 year to suicide is equivalent to Anchorage losing 3,000 young men to suicide.

The high suicide rate, along with abnormally high rates of fetal alcohol syndrome, homicide, injuries, family violence, sexual abuse, teen pregnancies, and sexually transmitted diseases, are dramatic evidence of the dramatic cultural dislocation currently being experienced by Alaska's Native people.

While Alaska Natives make up about 17 percent of the State's population, we account for about 45 percent of the State's inmate population housed in Alaska institutions of correction.

These problems reflect the very real pain and suffering of our people, and are systematic of a general malaise created, in large part, by failed Federal and State policies. As cultural and governmental forces from outside our communities close in, our villages must increasingly struggle to retain a sense of their own village identify. The sense of community within our villages is under assault. In some cases it has broken down dramatically.

By separating our tribal communities from our lands and, instead, putting tribal lands at risk in the hands of village corporations, perhaps the weakening of our traditional tribal structures was inevitable. A tribal people divorced of their tribal lands is a tragedy in itself. But this has been compounded by other developments in recent years.

For instance, the State of Alaska, at every turn, challenges our rights as tribal governments to take care of our communities and to guide us forward. The State wants to stop us from raising money through taxes to run the programs we so desperately need, from exercising our village subsistence rights, even from taking care of the welfare of our children. In the meantime, a very divided Alaska Supreme Court has had the audacity to suggest that Alaska Native villages are not even tribes, despite the fact that we have been so considered from the very first day on which Alaska was purchased from Russia.

Even the Department of the Interior has turned against us. I spoke before Chairman Inouye on some of these matters.

Last December the Department took action, but with a vengeance against us that we had never imagined. The Department decided that all Alaska villages ought to receive services as part of the Federal trust responsibility, but that as far as the Department was concerned, none of our Alaska villages are Indian tribes. In pretending to help the few villages that had not been listed in prior years as recognized tribes, the Department, in fact, has tried to strike a fatal blow to all Alaska village tribes. Mr. Chairman, this committee can and should take action to reverse the Department's effort to "de-tribalize" our villages.

Add to all this the assaults on our culture and our traditional way of life, and the symptoms noted in the AFN report become more understandable.

Senator Murkowski, our villages feel they have no control over their communities; no local control, no self-determination. Decisions are made far away at regional levels in Juneau or here in Washington, DC.

As efforts continue to undermine our tribal government, our villages are losing their sense of identity. If a person feels lost, dislocated, lacking identity, alienated, and powerless to take control of his own life, he is likely to exhibit much of what AFN reports: depression, unemployment, illness, self-destructive behavior, abuse, even suicide. The same is so for an entire community, especially when the village is confronted with trying to adapt to outside cultural influences and evolving changes in values.

If tribal self-determination—local control—is not protected, strengthened, and restored, I fear that little will come out of other initiatives that only seek to treat the symptoms, not the causes.

Our village tribes will not go away. We will not quit. The Alaska Supreme Court may be against us, the State of Alaska may be against us, and our trustee, the U.S. Department of the Interior, may even be against us. But our village tribes will continue to struggle for survival. If this means that the rich talent and human resources we have must be spent on defending our rights here and in the courts, rather than on addressing suicide and alcohol abuse problems, education deficiencies, or economic development problems, so be it. Our villages are up to the challenge because we must be; our very survival depends on it.

Our problems are desperate, but we need not despair. We continue to work to better identify the problems of our villages, particularly in the health area, and to devise solutions. Attached to my testimony today is a paper prepared by the Alaska Native Health Board. It identifies several of the most severe problems in health and health care delivery in rural Alaska, and proposes a plan of action for each.

For example, alcoholism—

Senator **Murkowski**. I'll ask you summarize your remarks, please. You have used about 7 minutes.

Ms. **Roberts** [continuing]. Alcoholism is tearing apart our villages. A small number of villages have applied the community development approach. One of which I would like to speak of is one of the villages in my own region, the village of Akhiok. They are [visibly upset] excuse me, Senator.

Senator **Murkowski**. If you want to just relax for 1 minute, I think it is important to observe the realities associated here, and obviously those of us that are from Alaska are well aware, but those in the professional staff are not necessarily aware, nor is some of the audience, that underlining divergence within Alaska's Native community about which alternative to pursue. I think that the witness before us is indicating, for the record, a sensitivity associated with what she observes in her home and what we are aware of in the report that has been done regarding the staggering social realities as a consequence of alcohol abuse and drug abuse and some of the other difficulties.

I want to assure the witness that we are aware of the pain and the suffering. She is coming from a point of view, as was the previous witness, concerning your opinion of an alternative, and we respect that opinion, and we respect the input and the feeling which you have communicated to us. And it does highlight the basic dilemma that we are faced with as we address the efforts to respond to the problem because it is very complex. It is not something that is going to be done by this hearing or the next hearing; it is going to be done over an evolution.

The question is: what steps should be taken and on what path to go? That's why I commend you for your testimony.

I would remind the witnesses that the hearing record will be open for a period of 10 days to 2 weeks. We would like to have your submission of additional material, and particulary your recommendations with regard to the commission that Chairman Inouye, Governor Cowper, Senator Stevens, Don Young, and I have commented on, because if that commission is going to work it has to have your input, as well.

Recognizing that there are extended comments to be forthcoming, and the reality that it is virtually impossible to impose the time limitations that we have attempted in order to accommodate the concerns of many people, I am going to allow you to go ahead and complete your statements in your entirety, and I would ask the professional chief of staff, Mr. Alan Parker, to continue and preside after my departure.

You may proceed in your entirety in the sense of your statement, but recognize, obviously, these statements are printed verbatim in their entirety, and those are the statements that are reviewed by our staff and the recommendations are forthcoming. So don't feel that because you haven't uttered your comments or abbreviated them that we don't recognize the input from the full text.

I understand Mr. David Case also has some comments that Mr. Thomas asked that he speak toward, and we would welcome that at the conclusion of the other scheduled witnesses on the panel.

So I think what we are hearing here today obviously is a challenge to those of us in Government, those of us who are obviously from Alaska, and those from the AFN and other Alaskan organizations as we look at the emotional trauma that is before us.

So I commend you, wish you a good day, and encourage you to go ahead and speak in your entirety as you see fit.

Please proceed.

Ms. **Roberts**. Thank you, Senator.

I want to point out some things that do work, some programs—I don't know if you can call them programs—the roles that communities play. One of which I am very proud of is the village of Akhiok in my own region. They did make the news in the Washington Post, and I'm sure that you are aware of the village of Akhiok in their sobriety movement.

I'd also like to say, on that subject, that we do have many things happening on Kodiak Island with the Natives for sobriety movement, also.

As Mr. Pullar was speaking of earlier, our people are having a sense of pride in who they are, knowing who they are and where they came from.

The cultural part is very important in the sense of self-esteem and feeling good about yourself. We have many, many things happening on Kodiak Island, such as the village of Port Lions and their Alutiiq studies classes. They are making many items very similar to those that you see in the crossroads of the continent exhibit over here at the Smithsonian—masks, bentwood hats, bentwood boxes.

And we also have our elders taking pride in our culture. Since we have asked them, they are now teaching the Alutiiq language.

It is wonderful to see those things happening. We hope that we can get more programs like that going in our schools.

Also, my tribe, I am very proud to say, is taking a part in this also with our Shoonaq tribal dancers. It is the only Aleut dance group that I know of.

So we do have pride, and we are working on things. I think that more community-based programs are needed and it is in my written testimony. I don't want to take everybody's time up. In my testimony there are solutions, recommendations for actions. I do hope that those will be taken into account.

Also, I was very happy to hear Chairman Inouye this morning speak on the eligibility issues. That is something that concerns us in Alaska since we have so many children that were born after 1971.

I'd like to say just a little bit about subsistence. I know Jeanine Kennedy may be including subsistence in her testimony

Senator **Murkowski**. I'd like to just add that if any of the previous witnesses want to add to their statements because of the extended time which you are being granted, we will be able to do so after Mr. Case, the last witness, is called. So Mr. Thomas and Willie Kasayulie will have that opportunity.

Ms. **Roberts**. On the issue of subsistence, there is another hat that I also wear. I am a commissioner on the newly-formed Sea Otter Commission representing our region.

Subsistence is very important to our people. There are many, many Native Alaskans who depend on subsistence for their own existence. I don't know if there is any way in all these Federal laws and State laws—I think Mr. Pingayak said it—if there is some way that we can be consulted before these things are put down in the Federal Register, before they are made law, if we can be consulted first and feel like we have input rather than having to react after being hit in the face, with it, so to speak, I think things would be a lot easier for our people.

It was tradition for our people to barter and trade the sea otters. At this time, we have such an overpopulation with the sea otter that they are devastating our clam beds, they are eating our king crab, things that we are used to going out and getting ourselves and feeding our families. Our Native people really do use the sea otters, but there are so many of them, and with the Marine Mammal Protection Act it is like our Native people are afraid to go out and get them sometimes, too.

With the new regulations, we can now be fined up to $20,000 for not having a sea otter hide tagged or sealed, and I know all our people don't know about this.

Since your committee has travelled to Alaska you have seen how remote it is and how, if the word isn't out to all the villages, people don't know about these things. I'd really like to see that some way hearings can be set up on things like that so everybody has a chance to have some input.

I don't know how many of our Native people could afford to—I know they couldn't afford to pay a fine of $20,000. A lot of our Native people tan their hides, themselves, and they are not used to sending them out to tanneries. I don't think there is a real clear picture, actually, on the Native take of the sea otters.

Getting back to where I'm supposed to be here, I would like to say that we are very proud of the community health aide program in Alaska. Community health aides are village-based health care providers who form the backbone of the entire Native health care system in Alaska. They provide emergency services, diagnose and treat a wide variety of illnesses, and provide preventive care. Unfortunately, due to severe under-funding that persists despite a $5 million increase from Congress last year, which we owe a great deal of thanks to the Senator, the CHAP program faces a crisis that threatens the very existence of the program. In a moment, I will ask Debra Caldera of the Alaska Native Health Board to provide details of this crisis.

I do know that this is a program that Senator Inouye is quite interested in, and I'm sure that he does support the full funding of the program.

Once again, I would just like to say that we in Alaska are deeply grateful for your strongest advocate. We are deeply grateful for your understanding and your support, and will rely on them heavily as we work to achieve desperately needed funding increases for the community health aide program.

I close with these thoughts. If the problems which I and other witnesses today have discussed with you are to be effectively dealt with, if the shocking statistics of the AFN report are to be reversed, then we must begin at home with our tribal communities, to strengthen their local control and self-determination. If our village tribes cannot realize the dream of self-determination, nothing else will be possible. I ask and pray that in addressing these most serious problems this committee keep foremost in its mind that the health of our people and the health of our tribal governments are inseparable; with one will surely go the other.

With that, I will introduce Debra Caldera.

[Prepared statement of Ms. Roberts appears in appendix.]

Senator MURKOWSKI. Thank you. Ms. Caldera. Please feel free to make any further introduction to make sure that the record shows who you are representing.

STATEMENT OF DEBRA CALDERA, ALASKA NATIVE HEALTH BOARD, SEWARD, AK

Ms. CALDERA. Thank you very much.

My name is Debra Caldera. I am the Kellogg Grant project director with the North Pacific Rim.

I have worked intimately with the community health aide program for the last 4½ years. For the last year I have been working closely with the Alaska Native Health Board and the directors of the regional health providers to direct attention to problems with the community health aide program and to craft solutions to the problems that we are facing in delivering health care to Natives living in the rural Alaskan villages.

It is an honor for me to be here testifying before this committee, and I would like to thank each of you for the opportunity to be here and for your attention.

The community health aide program is the backbone of the entire Native health care system in Alaska. It is the sole means for 42,772 people to receive primary health care and to access secondary and tertiary health care.

Community health aides serve in isolated villages with populations ranging from 50 to 800 people. They are village-based paraprofessional health care providers selected from and by the communities in which they serve.

Community health aides [CHAs] are the only health care providers living in the villages. They consult daily with physicians by telephone or radio.

The community health aide program is widely recognized as a cost effective, acceptable, and indispensible component of Native health care in Alaska. Last year, community health aides provided care in 228,185 patient encounters; however, there is great concern statewide that the program is faltering.

In 1988, the Alaska Native Health Board supported a project aimed at identifying the problems with this program. The report and briefing paper, "Alaska's Community Health Aide Program in Crisis," documents that the program is in crisis and is in imminent danger of collapse due to severe under- funding. That document has been submitted for the record.

In 1988, the program was funded with both Federal and State dollars at $7.7 million, which is 27 percent of the level of need. The result is an annual statewide CHA attrition rate of 33 percent; 85 percent of the community health aides working in the State are eligible for public assistance, and, most alarming, 30 percent of the community health aides practicing today have had less than the first 4 weeks of 10 weeks of basic training.

This information was presented to Congress in March 1988. Congress recognized the seriousness of the problem and granted a $5 million increase for fiscal year 1989. This brings the program funding level to 44 percent level of need.

I would like to report to this committee that the new funds have had a dramatic impact on the program, I would like to report that our attrition rate is down, that our training levels are up, and that the quality of care for rural Alaska Natives has improved, but I cannot say any of these things. If anything, we have lost more ground in the past year. We are nearly half-way through fiscal year 1989 and have not yet received the funds that were granted last year.

Over the past 6 months, the Alaska Native Health Board, the Association of Regional Health Directors, the community health aide program directors, and the Alaska Native Health Service have worked closely to determine how the new funds should be distributed and utilized. The community health aide's salary, work schedule, training, and support needs are great. Each cause has its own merits in laying claim to the entire amount; however, the CHA salary and working conditions were the most compelling and had to be faced first.

When funds are available, most of the $5 million will be directed to CHA salaries and additional positions. This will greatly reduce community health aide stress, which is the primary reason community health aides leave their jobs. However, community health aide salaries will be raised, but most will still be eligible for public assistance.

The second-most compelling need, and one which we are not able to even begin to address, is the training for community health aides.

Health professional such as physicians, mid-level practitioners, nurses, and physical therapists, are required to complete a rigorous educational and licensing procedure prior to hire into a position. This process takes up to 10 years or more to complete. Completion of licensing indicates that that individual is competent to provide health care services.

The roles and responsibilities of a community health aide are very similar to those of mid-level practitioners who have completed 3 to 6 years of professional education. Unlike mid-level practitioners, health aides are given some or all the responsibility of their positions at the time of hire prior to beginning any formal training for the position. The average amount of time that a health aide must wait to take the first 4 weeks of a 10-week training session is 6 months. It takes years to complete the 10 weeks of basic training.

It is no longer tolerable for a health aide to wait 6 months or longer for the first exposure to formal training.

The current statewide community health aide training capacity is 29 sessions per year. The current need is for 69 sessions per year. Major expansion of the training programs must occur. This, in itself, poses another major problem; that is, lack of manpower to provide the training.

It is extremely difficult to recruit and retain mid-level practitioners from outside to provide training for community health aides. The short-term solution is to continue in that practice. The long-term solution is to encourage community health aides to go on and achieve higher levels of education so that they may become the trainers of the community health aides.

The community health aide program is appropriate technology used to deal with most health problems at the local level. A well-developed referral system is in place to deal with problems that require higher technology.

Alternative systems are extremely costly and cannot even be considered.

It is not possible to run a quality health care program at 45 percent level of need. The program must be strengthened to meet the challenges of today and of the 1990s. Health care needs must be addressed to ensure that each individual has the opportunity to meet his maximum potential.

Currently the program is funded at $12 million. We need $16.7 million additional per year to run this bare-bones program.

Healthy individuals build healthy communities, and that's what we must achieve.

Thank you very much.

[Prepared statement of Ms. Caldera appears in appendix.]

Mr. Parker. Thank you very much.

The next witness scheduled to testify is Ms. Jeanine Kennedy, the executive director for the Rural Alaska Community Action Program.

Ms. Kennedy, on behalf of the chairman I'd like to welcome you. As you have understood from the previous comments of the Chair, your written testimony is, of course, officially part of the record. I'd like to invite you to go ahead and say whatever you'd like. This is your opportunity.

STATEMENT OF JEANINE KENNEDY, EXECUTIVE DIRECTOR, RURAL ALASKA COMMUNITY ACTION PROGRAM, ANCHORAGE, AK

Ms. Kennedy. Thank you, Mr. Parker and members of the committee and staff, as well as Chairman Inouye.

My name is Jeanine Kennedy. I work at the Rural Alaska Community Action Program as executive director. I will be calling that program RurAL CAP, because it is easier. RurAL CAP is pleased to have this opportunity to provide a little input and some of our perspectives.

First of all, I might identify RurAL CAP also. RurAL CAP is an organization which is 24 years old. We are a statewide organization. Historically we have fostered the concept of empowerment. What we mean by that is that we seek to provide people with the opportunity to experience their own power.

In the 1960s, for example, the AFN was established and supported with funds provided by RurAL CAP. Nine of the 12 regional non-profit organizations which deliver social services to the villages in their regions today were started by RurAL CAP. It would not be a mistake to say that the other three use the nine as their model.

In those days statehood was new and there were no infrastructures in rural Alaska through which to have services. So what we did was organize communities to get together and air what their needs were. Eventually those non-profit corporations formed and we provided management training and then they spun off and became their own organizations. A lot of them today are much bigger than we are.

But I think that is what empowerment is about. It is giving people the opportunity and the skills to manage their own life to have authority over it.

I think the greatest thing that this Senate Select Committee on Indian Affairs and Chairman Inouye has done is to provide hope for Alaska Native people—people in the villages—that they can be heard. When Chairman Inouye came to Alaska he stayed and he listened to people until 11:30 p.m. He was willing to listen. It was an incredible experience for some of us.

I think that is the biggest problem. A lot of times people have agenda ideas about how things should be, they have the power and the influence to implement them, and the people aren't listened to. It is like they don't count.

The values of the Native people of Alaska are over 10,000 years old. I'm talking about values; I'm not talking about customs. Those are values which have enabled those people to survive. Those values are in conflict with the prevailing, dominant society's values.

I talk in my testimony a lot about what acculturation is and what rapid enforced acculturation is. I explain the dynamics of that, what we have learned in our work, how it affects people, organizations, and institutions, and my recommendation is that we look at ourselves. Instead of how we can fix them, how can we fix ourselves and our attitudes.

Chairman Inouye said, "How can we increase the self esteem of you?" One way would be to stop putting barriers, blocks, and opposition in the way of people who are trying to pull themselves up.

You know, in 1984 and 1986 there was an Alaska Native Review Commission. Scholars world-wide came and went through 60 villages in rural Alaska. Over 200 villages participated. There were 1,500 witnesses. It took 2 years for this. It was very thorough, and it was much like how Senator Inouye operates. These people listened. That was culminated in a book, "Village Journey."

What they heard from the village people is that village people wanted tribal government. That's what they heard. They also heard that they wanted to continue their subsistence way of life. They also heard that they wanted to preserve their culture, which was being swept away like with a giant tide. And they wanted some assistance, and hoped to do that.

That report was totally ignored by moral and political support. The people might have well saved their breath.

So I guess if I have a recommendation it would be—you know, I commend this committee. You are so valuable. I have looked at that report to the 100th Congress of all the work you have done. It is incredible. I am so grateful.

I was trying to get ready for this thing because I knew I'd only have 5 minutes, and I was trying to think what in the world I could say in 5 minutes because once I get started I'm liable to talk. I walked by the Hall of Justice and there was a sign out there that said, "Justice is the great interest of man on Earth. Wherever her temple stands, there is a foundation for social security, general happiness, and the improvement and the progress of our race." That's when you have justice.

Thank you.

Oh, one more thing. I mustn't forget this because we go all over Alaska, not just one region, and we have intimate contact with the villagers. They talk to us. They trust us because we listen to what they say. We don't tell them what to do, how to do it, or what they should do, so they trust us.

We hear "tribal government, tribal government, tribal government." That's all we ever hear. So I promised to recommend here to you what we hear a lot, and that is our belief that for trust or hope to be born to re-inspire our people to live, it will take more concrete action than the creation of some jobs or a training program. So long as our people feel adrift in this larger, western society, as long as they sense that they are losing their roots, so long as there is no recognition of their status as separate, distinct, proud peoples, then I submit to you, Mr. Chairman, that no improvement in the causes and conditions of their spiritual, their emotional, their physical, and their mental poverty will be found.

The recommendation that they would like, from what I hear, is that they would like the barriers and the opposition and the confusion to be removed regarding tribal government authority in Alaska. The State says that's a Federal problem. The Federal says to go to the State. They are tossed back and forth like a ball. They would like to have the initiation of legislation in Congress to clear up this issue of the exercise of tribal government powers and authority in Alaska in a way that supports their being able to have tribal government.

Thank you very much.

[Prepared statement of Ms. Kennedy appears in appendix.]

Mr. Parker. Thank you very much for your statement.

Before calling on David Case, since the Senators are gone I'd like to exercise my prerogative as the acting Chair and tell you that, we will be here for as long as there are witnesses that have been scheduled to testify. We also have with us the chief counsel for the committee, Ms. Patricia Zell; the minority staff director and counsel, Mr. Eric Eberhart; the senior staff attorney, Peter Taylor; Mr. Dick Bad Moccasin, who represents Senator Tom Daschle on the committee staff; as well as Greg Renks, who, as most of you know, works for Senator Murkowski.

The procedure, just to help you understand, that the Congress follows and this committee follows is that this hearing record will be printed up as an official record of the committee proceedings. That record is the basis upon which the committee will take into consideration what kind of concrete action might be considered as a result of this hearing.

I would like to remind you that the primary recommendation that has been submitted to this committee so far in the course of this hearing has been the recommendation to establish a joint State-Federal-Native commission or task force. A previous witness referred to the fact that there was a commission entitled The American Indian Policy Review Commission, which was created by an act of Congress in 1975 under the 93rd Congress.

Just to provide you a little bit of background before proceeding with the witness, if you'll bear with me, that commission was set up and empowered to conduct a very extensive and comprehensive study. Members of the commission were appointed by the speaker of the House and the president pro tem of the Senate, so there were three Congressmen and three Senators. Those six Members of Congress then turned around and appointed five Indian people—Mr. John Borbridge from Tlingit Haida was one of those five Indian people who were recommended.

Those 11 commissioners, in turn, appointed three-member task forces, so there were 11 task forces. Each task force was given an amount of funds and staff resources to conduct a study on the subject matter of that task force.

Those task forces took approximately 1 year and submitted their reports, and then those reports were compiled and distilled into a report of the American Indian Policy Review Commission, which became an official document presented to the Congress. The recommendations of the American Indian Policy Review Commission continue today to be, in the opinion of many of us, a very vital force guiding the direction of Congress in the implementation of Federal Indian policy.

Reference was made to the commission of Judge Berger, and the Inuet Circumpolar Conference as the primary sponsor of that study. That, for example, is a private study.

I think in the idea of a commission which this committee could consider establishing by act of Congress and appropriating moneys for its operation would be an official commission. That is not to denigrate at all the work of Judge Berger and that report, but obviously there is a significant difference between an official commission created by act of Congress and a private effort.

I appreciate your bearing with me. I just thought it would be helpful for you to have that in mind as you consider additional testimony that you might submit to this committee before the official record is closed and all of this official testimony is printed up as a record of this hearing.

When the acting chairman, Senator Murkowski, indicated that the record will be open for an additional 10 days to 2 weeks, he had in mind a solicitation of your views and positions on this specific recommendation of a commission. I hope you will find that helpful in terms of a little bit of background.

Mr. David Case has been requested to provide some additional comments by Mr. Ed Thomas, the president of Tlingit Haida Central Council.

Mr. David Case.

STATEMENT OF DAVID S. CASE, LEGAL COUNSEL, TLINGIT AND HAIDA CENTRAL COUNCIL, JUNEAU, AK

Mr. CASE. I am very honored to be able to address this committee. I am certainly even more honored to be able to sit at the table with the witnesses who have just testified. I appreciate the opportunity Mr. Thomas has given for me to speak here, as well.

Perhaps I should give you a little bit of my background. I intend to be very brief. I will submit my written remarks for the record.

I have been raised not to speak about myself, but I think it is important to have a little bit of an idea of some of my background because it will probably bear on what I have to say.

I have lived in Alaska now for 15 years, and I am an attorney. I represent, in addition to the Tlingit and Haida Central Council, some 20 village institutions throughout the State—corporations, tribes, and even one city.

Prior to that I worked for AFN where, I am proud to say, both Sam Kito and Byron Mallot were my bosses at different times, and Janie Leask and I worked there at the same time. I worked for the Alaska Native Foundation, taught at the University of Alaska in Native programs, and worked in the solicitor's office in Alaska as an attorney and am now in private practice.

During this time, I have been privileged to be able to travel widely throughout Alaska and spend a fair amount of time in villages throughout the State.

I have had the opportunity and the privilege of being able to study the relationship of American laws to the Alaska Natives. I'm sure that I don't have all, I don't think that I have many, and probably not even any of the answers to the problems that are before you. But I do have some observations.

It is, I am happy to say, my view that tribes are effective and efficient institutions that are available to reduce the village sense of dependency that is documented in the AFN report. I think you have all noticed that many of the witnesses before you today have testified to that from all walks in the Native community: Byron Mallot, who is the chairman of one of the largest corporations; Ed Thomas, who is the president of the Tlingit and Haida Central Council, a regional tribe for southeast Alaska; Willie Kasayulie, who is the chairman of the Association of Village Council Presidents in addition to being the chief of the Yupiit Nation; Gordon Pullar; Margaret Roberts; and others have spoken, as well.

I do not suppose that tribal governments are going to be the answer for all villages. There are some villages which I think will prefer to have cities as their form of government. But if the United States is serious about self-determination, then the only conclusion you can reach is that there must be a choice for Alaska Natives; otherwise, there is no such thing as self-determination. It is pre-determination, not self- determination, if there is no choice.

Second, I think it is fair and absolutely correct to say that tribal villages have existed in Alaska since time immemorial. Villages, as self-governing communities of Native people with territories have existed since time immemorial in Alaska. That is something that you do not see, or it is covered up. It is not part of the consciousness of tribal existence in Alaska when we come to Washington, DC, and to the Interior Department or, perhaps to the Congress.

The interesting thing is that, although tribal governments have existed for thousands of years in Alaska, just as in the rest of the lower 48, it was Congress, in implementing the Self-Determination Act, Public Law 93-638, beginning in 1975, which is responsible for the revitalization of tribal government in Alaska. That act lead to the funding of tribal government improvement grants to Alaska Native villages throughout the State and funded them for the first time with money so they could hire staff and people to operate their governments.

It also required the villages to approve Public Law 93-638 contracts for regional non-profits to serve those villages. That resulted in a substantial focus of political power in the villages throughout the State. So the villages serve a very real political role in the State because of an act of Congress, in addition to the fact they have been in existence for thousands of years.

The Self-Determination Act resulted in the improvement of social services and the provision of social services throughout Alaska, and that is particularly true, for example, in the work of the Tlingit and Haida Central Council as a tribe, but also of the non-profit corporations throughout the State.

So tribal governments, where Natives want them, can be useful tools to address the problems of village dependencies that have been identified in the AFN report.

I commend that possibility to this committee, and I cannot add to the strength of the emotion that has accompanied that recommendation from these other witnesses.

I'd like to thank the Tlingit and Haida Central Council, again, and the committee for the opportunity to address this hearing. Thank you.

[Prepared statement of Mr. Case appears in appendix.]

Mr. PARKER. Thank you very much.

Before calling the other panel, Senator Murkowski did want to make sure that previous witnesses who may want to add to the verbal testimony that they have already been given to have an opportunity, so that would be Mr. Willie Kasayulie and Ed Thomas.

Willie, is there anything further that you would want to add to the record?

Mr. KASAYULIE. Thank you for the opportunity.

I just want to re-emphasize that we need to establish some clear policy as to the authority of the tribal government in Alaska. I think as far as the tribal governments are concerned, they are permanent. We represent our people and we know our problems. I think tribal governments should maintain and exercise their authority within their respective jurisdictions.

Mr. PARKER. Thank you very much.

Ed?

Mr. THOMAS. I think it is important to state that the Native people are anxious to work cooperatively with the State and Federal Governments, as well as private industry, to improve upon the problems we encounter. It is important, also, to state that, in spite of the selection of the weaknesses of our society, there are also very strong gains with the way the Native people do business in the State of Alaska. Our people have developed an understanding in a very short time of not only Government systems, but business systems.

I think it is important to point out that the idea of throwing money at a problem oftentimes alienates the people that make decisions on money, and I don't want to leave here without saying that the resources are still needed, but I think we need to do a better job in organizing how they are expended. I think we need to quit wasting money in added layers of bureaucracy.

In order to do that, I think there needs to be a conscious change in the way the government hires and protects its employees.

Right now it is almost impossible for the Government to fire an employee out of the Juneau area office. If that person was not performing or didn't know what their job was, I think they if they have a little tenure behind them they can argue and take it to the unions and never get fired. I think that Congress needs to look at that. I don't think it is just a Bureau problem, I think it is a governmentwide problem.

The Government does set the standard for wages in our State, as well as the rest of the country, because of its size. I think they need to look at some of the things that are there beyond what is necessary for base salaries—for example, the 25 percent cost of living. I know you guys are all Federal employees and might not take this very well, but we know that attached to the BIA budget was a 25 percent cost of living tax-free. We would all like that, but we can't afford it.

So if the service agency that is supposed to be supporting us can afford it, it tells us that we are not looking at it in true perspective. I hope that by doing this properly we can trim down those added costs in a relatively equitable fashion so that it doesn't alienate everybody, and at the same time we can see our program dollars go far.

The sentiment that the public has for the problems of Alaska Natives and Native Americans is oftentimes distorted by looking at the total budget; but the reality of it is that so much of that budget is drained away by waste, as well as improper use.

Mr. **Parker**. Thank you very much.

It might be helpful for the record to show that the Tlingit and Haida Central Council is one of the ten so-called self-governance tribes, which are ten different tribes who have begun participation in a demonstration program authorized by recent amendments to the Indian Self-Determination Act, and the focus of title 3 of that act was to authorize self- governance agreements and the demonstration program to demonstrate the ability of tribes to organize their efforts under a consolidated and comprehensive program through which to achieve greater efficiency and cost efficiency.

So the Tlingit and Haida Central Council has been a participant in that program, and I think Mr. Thomas' remarks reflect his perspective as part of a group that is on the cutting edge, so to speak, of developing these tribal relations.

Some of the other staff may have questions they would like to direct to the panel before calling the next panel, if you will stay with us.

[No response.]

Mr. **Parker**. No questions? All right.

Thank you very much panel.

The final panel to be asked to testify before this committee hearing: Mr. Mike Albert, Mr. Billy Lincoln, Mr. Charles Edwardsen, and Mr. David Harrison.

Please come to the witness table.

The first witness will be Mr. Mike Albert.

STATEMENT OF MIKE ALBERT, NATIVE VILLAGE OF TUNUNAK, ALASKA, ACCOMPANIED BY FRANK DEMANTLE, JR., NATIVE VILLAGE OF AKAK, ALASKA, INTERPRETER

Mr. **Demantle**. My name is Frank Demantle, Jr. I am from the Native village of Akak, Alaska. I would like to be the translator, sir, for my elder, Mr. Billie Lincoln from the Native Village of Toksook Bay and Mr. Mike Albert, elder from the Native Village of Tununak, Alaska.

Mr. **Parker**. Certainly.

Mr. **Albert**. Good afternoon, Senator Inouye and members of the Senate Select Committee on Indian Affairs. My name is Mike Albert. I am an elder from the Yup'ik Community of Tununak, and I am a member of the traditional council that also acts as a tribal court that renders its decisions in the manner to correct problems that lead to the violation of our tribal laws.

Sitting with me to my left is Billy Lincoln, an elder from Toksook Bay, who does not speak or understand English, but his hearing is through the use of an interpreter. He wishes to thank you for the time that you have allowed us to present oral testimony so that the elders of the Senate and the Yup'ik elders could mutually solve the problems that face both our people.

We have, after many hours of thinking, discussing, and observing, come up with three areas of difficulty and a possible solution that we think will be acceptable to you and is within the scope of the present acts of Congress.

The first difficulty is with the Alaska Native Claim Settlement Act of 1971. The act has totally failed, and we would like to request from you a 10-year moratorium on its further implementation so that we can fully reflect on the damages that bring the letter to the intent of the Alaska Native Claims Settlement Act to conform to the Genocide Implementation Act of 1988, Public Law 100-606, passed and signed into law on November 4, 1988.

The second concern, an act of restoration so that the damage done by the application of this act concerning Alaska Natives can be implemented to the concurrence of the Congressional and Yup'ik elders.

The third difficulty is the financing of the tribal governments within our bi-regional, linguistic, kinship related area until we recover from the damages of the Land Claims Act, and to this end we ask your assistance in obtaining a sovereign government-to-government loan under international contractual conditions that are mutually beneficial to our people.

Fourth, the convening of the conference on a contractor-free association, Public Law 99-239, to conform to regulations 88-01 passed at the Kasigluk Elders Conference of April 13, 14, and 15, 1988, which we forward with this oral testimony.

We thank you for your time, and I am sure that elders of the Senate and the elders of the Yup'ik can solve these problems to our mutual benefit and concern.

We request that you keep the record open for written testimony to amplify the details of our concern. We await your questions and comments.

Before I close, with your permission I would like to submit for the record the Kasigluk Elders Conference Resolution on the Contractor-Free Association passed by the Kasigluk Elders Conference on April 13, 14, and 15, 1988, and also the recently-passed Public Law 100-606, entitled, "Genocide Convention Implementation Act of 1987."

Thank you.

[Resolution and Public Law appear in appendix.]

Mr. PARKER. Thank you very much. Those documents are officially a part of the record.

Do you have further comments?

Mr. DEMANTLE. Mr. Lincoln here won't be speaking, but this is the combined statement that Mr. Lincoln and Mr. Mike Albert have submitted for the record.

Mr. PARKER. Thank you very much.

The next witness, then, would be Mr. Charles Edwardsen from Barrow, AK.

STATEMENT OF CHARLES EDWARDSEN, BARROW, AK

Mr. EDWARDSEN. Hi. It is good to be here.

The recommendations that I heard today were very promising and the future looks brighter.

The problems that have been created by ANCSA have been enormous, so we have to decriminalize a way of life that is much older than this country. Our way of life has been assaulted. Our hunting and fishing—we have now become criminals.

A recent case was in Alaska, and this is on our whaling activity. My uncle was crewing—a captain—and he had not even seen the whale that his crew got. He was not even there, but he was charged with it. We do not have a commercial activity. So under the Whaling Act the Eskimo way of life has been assaulted. We cannot have this type of psychiatric and mental harm on our people any longer.

What we need to do, what Congress must do, and what it did to us, can be changed, amended, thrown out, or repealed. So I would like to propose to Congress that they create the Alaska Native Restoration Act of 1989. The Federal Government needs to recognize and extend and confirm with respect to Alaska Natives, Eskimos, Indians, and tribes of Alaska. The provisions of the act, by subsection B, would not be withstanding.

This would repeal all of the pathological sections that have destroyed a culture and a way of life, especially section 4 of the Alaska Native Land Claim Settlement Act. All of section 4 would be repealed, section B and C of Public Law 92-203, December 18, 1971, Public Law 85-689. And also repeal of the entire section 7 of the Alaska Native Land Claim Act.

We have been taxed. We are the only people that share our profit and before we make money we have to pay the tax on this. So we have a 70-percent negative tax on our companies.

For the record, the Arctic Slope Regional Corporation 1991 Committee work was done on behalf of our shareholders. The shareholders in 1984 of the Arctic Slope Regional Corporation 1991 Committee came up with this recommendation. So, for the record, I would like to submit the entire section of FLMPA.

In 1976, while America was demonstrating and having a celebration of its creation, it passed the most pathological act called the Federal Land Management Policy Act of 1976. The entire section is pathological. It took away a cause for an Alaska Native to be an American. It wiped them out. It wiped out the entire children who were born after December 18, 1971. It wiped out and split up the entire Eskimo family. The children who are born on December 18, the after-borns, are not Natives at all, at the whims of Congress. So Congress has a moral and ethical obligation to restore Alaska Native tribes.

Under section 7 of the Federal Land Management Policy Act, the Alaskan Vietnam Veterans are not eligible for land allotments, whereas the rest of the veterans were. And so this continuous destruction has to come to a halt because it came in through legislation.

I would like to see repeal of the entire section 7 of Federal Land Management Policy Act, the reinstatement of the tribes, and so that we go back to status quo and put the Alaska Natives into title 25, not in title 43 where we can be auctioned out in lieu of oil and gas leases.

I feel that Congress has a moral obligation to restore this since we have not consented.

I was happy to hear the Senator this morning on the creation of the commission on the status of the Alaska Natives.

I believe that these pathological acts were not intended personally, but the effects have been completely catastrophic on the effect of Alaska Natives' mental health.

If we can reunite the Alaska Native family as a people, then we may not have to file a complaint against the United States under its new statute, title 18, section 58.

Mr. **Parker**. Thank you very much for your statement.

The final witness is Mr. David Harrison.

STATEMENT OF DAVID HARRISON, CHICKALOON VILLAGE, AK

Mr. **Harrison**. I am from the Native village of Chickaloon.

The Native village of Chickaloon has declared their sovereignty. We feel that we are sovereign by no delegation of authority of the U.S. Congress. We are sovereign people because we are the people of the land.

Chickaloon Village has been involved in the self-determination of Alaska Natives for several years now. In bringing these issues to these corporations that are supposed to represent the Alaska Natives, we found that the U.S. Congress, in passing several of these different acts that relate to the Alaska Native people, were passed without the consent of the Alaska Natives. Therefore, every act that has been passed by Congress is illegal, it is fraud, and it is genocide.

Chickaloon Village is presently asserting its jurisdiction over approximately 30 million acres. We declared this jurisdictional claim in 1985, signed off by the area superintendent in Anchorage saying yes, Chickaloon, you have the jurisdiction as defined by Federal law.

Federal law says the United States must get the consent of the Native people before they appropriate their land. ANCSA appropriated 331 million acres to the United States and the State of Alaska. In other words, they stole 331 million acres and 200 miles out to sea and left the Native people with 44 million acres of their original entitlement as aboriginal people.

The United States, in the past, has ratified what is called The International Convention on the Prevention and Punishment of the Crime of Genocide. The acts that pertain to indigenous peoples, whether they be here in America or in my home, Alaska, do not apply unless there is consent of those native people. I ask the Senators from Alaska and the Congressmen from Alaska for the documentation from those villages saying that those 500 or so people that voted at the AFN convention in 1971—I want to see their documentation from their people saying that they could represent them.

The regional solicitor, Scott Keep, replied to me that there is no such documentation in letter form. So, therefore, all these people that the U.S. Congress got to vote at that convention were speaking for themselves and not their people, because the traditional government, the traditional elders, did not authorize them to represent them in any manner whatsoever; therefore, these people have been lied to, not only by these regional corporations, but the Alaska Federation of Natives. They have been withholding information from these people so that they cannot make informed decisions.

During the Alaska Statehood Act, this act was brought upon us by a vote of the U.S. military that was brought to Alaska. The United Nations documents, when the United States became signatory to that international charter, claim that they accepted a sacred obligation to the inhabitants of Alaska and Hawaii to bring them up to self government for their benefit and so they would not become a burden upon the Federal Government. They brought this out in article 73(e).

The inhabitants of Alaska are the Native people there. The people that were given the right to vote on statehood were brought in by Senators that are now presently sitting in this Congress when they were in lower positions in the Interior Department.

I have recently located documents right in the U.S. library to implicate these Senators in blackmail of other Senators during that period in time because they were opposed to the Alaska Statehood Bill. These documents are public record. They are in the Library of Congress.

We ask the U.S. Congress to stop committing its genocide against our people. We are of the land. We need this land so that not only our future generations can survive, but yours, also. Everything that we have—this room, this building, our lives—depends upon Mother Earth. In all of these things that I heard talked about today, nobody is speaking about those sacred things such as Mother Earth that we all depend upon. They want to exploit it and destroy her so that they kill us all through the resource exploitation. This must cease.

I don't know how many of you have heard the Hopi prophecy, but it has been around for thousands and thousands of years. Our people have prophecies, also: although I have been colonized. I am on the highway. There is a lot of colonial intrusion in South Central Alaska.

The State government of Alaska has said there are no tribes in Alaska. We all know that is wrong. The Indian policy of the State of Alaska is based upon I don't know what, but it is not based upon Federal statutes, precedent, or international law.

I am presently in court over the assertion of Chickaloon Village licensing issue. We have issued license plates, registration, and drivers' licenses to our members. I have been arrested for these things. This is a direction of my council. My people have said to issue these things so that we can be self-determining, so that we don't have to depend upon the Bureau of Indian Affairs or the Department of Interior to protect us. The Department of Interior does not fund the Rights Protection Office in Alaska. They have a name on the door, but nobody behind it. They say that they are protecting our rights.

I have been working on a Native allotment case for years now that has still not been resolved, and it is a result of the transfer of the Alaska railroad to the State of Alaska.

These problems have been before many attorneys, only they don't want to deal with the sovereignty or self-determination issue because they feel it will undermine their State Chartered Alaska Bar. They do not respect us as people, as human beings that are a part of the Earth. It is unfortunate that the Senators are not here, because I would like to tell them this information face to face, but they will not meet with me to inform them of this information and show them the documents that I have.

I don't believe that the U.S. Congress intended for our people to die in this manner—at least I hope that was not the case. I believe that there are people in Congress that are humane and do have a heart and are not so much after the dollar that they look at that first before they look at the human beings that we are.

Yes; people tell me I am angry. You're right I am angry.

When ANCSA was passed they were telling us there were two things that they didn't want to see happen in Alaska. They didn't want to see us get sober, and they didn't want to teach us how to read, because if we got sober and learned how to read we would find out what the U.S. Congress has done to us and we would become very angry, and that is exactly what has happened to me.

I have become very angry. I know the Federal laws. I know the international laws that affect me. I go to my traditional government and I show them these documents and they are astounded. My elders were beat so that they wouldn't teach me my language. I don't know my language because of that. I'm very mad. I'm very mad at what has happened to my children. I'm very angry at what happened to my elders.

The educational process of the United States has been to undermine our people. So they go to school. All these kids that are in school know nothing. Those kids that are kept at home and taught by their elders, as they have been for eons, are the smart kids.

They are the leaders. These people that went to school and were educated have gotten greedy.

I, personally, have got 9½ years of education, but I don't know many attorneys that will stand face to face with me and argue these issues out and see my point.

I ask this Congress to abide by the laws that they have written as they are written in black and white, not as they read them and assume what they say. I ask them to implement these laws as they are written. And those laws that do not have the consent of the Native people, whether they be in Alaska or America, are null and void.

I ask this Congress to respect Mother Earth and stop the oil and gas development, stop the uranium development, stop this resource exploitation.

I look at the oil and the gas development as draining the blood of Mother Earth. If you cut yourself and do not bandage it, you bleed to death. We have an 800 mile pipeline from Prudhoe Bay to Valdez that is draining the blood of Mother Earth out of her killing us. We have uranium mining in the southwest which is considered to be the lungs of Mother Earth, and you are taking them out and killing her children, which is all of us—the plants, the animals, us sitting right here. You are taking the coal out of the ground, and then you wonder why there is so much contaminated water when that is the Earth's natural water filter. Why do you do this?

I beg of you to stop and to respect our mother. She is very important to all of us. She takes care of us. And if we take care of her, she will be there to take care of us and our future generations.

Thank you.

Mr. **Parker**. Thank you very much.

That concludes today's hearing. The record will remain open for any follow-up comments until the close of business on March 17, 1989.

Thank you all very much.

[Whereupon, at 1:25 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

TESTIMONY OF GOVERNOR STEVE COWPER
BEFORE THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
MARCH 3, 1989

Dear Mr. Chairman and Members of the Committee:

My name is Steve Cowper and I am Governor of the State of Alaska.

I want to begin by thanking you for the invitation to speak before you here today. On behalf of all the citizens of Alaska, I also would like to congratulate the Committee for committing to explore the current status of Alaska Native people. We trust that your endeavors will also include a thorough exploration of what might be done to alleviate the negative situations that have been so graphically called to our attention by the recent Alaska Federation of Natives (AFN) report. For it is only through this kind of partnership between our State and the federal government that practical solutions will be found to the grave problems facing Alaska Native people.

Senator Inouye, you and I had occasion to visit last year following your trip to several of our rural Native villages. I know that what you saw and what you heard had a profound effect. As the chief executive of our State, I want you to fully understand and appreciate the extent to which I, too, am affected. The challenges for decisive leadership in addressing what some term a "crisis" within the Alaska Native community are plentiful. They include challenges for me and challenges for you; and they include challenges for every individual and group--Native and non-Native--that cares about what kind of future we will provide for our children and grandchildren.

Now, in our State, one inherently runs a pretty good risk when talking about what we can or will do for one specific group. There are a lot of legal and philosophical arguments, for instance, about why we should or should not direct specific attention to programs and policies related almost exclusively to rural people in general, and Alaska Native people in particular. As Governor, I must recognize and appreciate such arguments. But I am an elected leader expected to provide a vision for the future. Thus, I think that it is only right and proper for me to do everything within my power to help provide the impetus for finding means to overcome the severe difficulties facing our rural and Native citizens. The data suggests that no other course is available.

In addition to the remarks I make here today, I am submitting for the record a copy of my recently-issued "Native Policy Statement." It should be pointed out that although much has been said and done in the past to create such a policy statement for the State of Alaska, this official statement is the first of its kind. And I think that issuance of the Statement in and of itself is indication that my administration, early on, recognized that many issues and problems exist among Alaska Native constituencies. In the Policy Statement we touch on many broad areas such as local governance, rural economies, education and substance abuse--areas of concern that are the focus of your undertakings.

Since your review process is in its formative stage, I think that it will prove helpful to you if I follow the outline of issues as they are presented in the AFN Report on the Status of Alaska Natives. As your process evolves we, of course, will continue to supply information in whatever way you deem most beneficial to your undertakings.

NATIVE HEALTH AND SOCIAL WELL-BEING

AFN's report strongly suggests that Alaska Natives are more than just a group of people suffering from society's usual problems in their normal proportion. Just as the tuberculosis epidemic during the first half of this century affected Alaska Natives more than others, so, too, are society's current problems magnified in the Native population of our State.

Many of these problems--that together constitute if not a crisis situation, then at the very least a near-crisis situation--are attributable in many ways to the very high degree of alcohol abuse among Alaska Natives. The high rates of suicide, especially among our State's young Native men; the near-epidemic proportion of violence, accidental deaths and injury; the high rural rates of infant mortality after the first month of life; and the severe birth defects and illnesses among Alaska Native children, all are either directly related to or exacerbated by the prevalence of alcohol abuse in our villages.

Even though the behavioral health problems of today are not necessarily infectious like the contagious epidemics of the past, they demand, I think, no less an initiative than that which was necessary to obliterate tuberculosis in Alaska. Advocacy for such an initiative by State government, we feel, makes ultimate good sense because State government will be among the beneficiaries of any successful effort to address these problems. Savings would occur in other areas of the health care delivery system. Most importantly, solving these problems will increase the likelihood that today's Alaska Native children will have the opportunity to realize their potential in Alaska's future, as fully participating adults.

The State, through the Department of Health and Social Services, has recognized the seriousness of these problems and of the need for Alaska Native communities and organizations to play a key role in defining solutions and service delivery models. In my view, that's the way it has to be. Local initiative will be a fundamental aspect of any real and lasting solution.

To this end, the Department of Health and Social Services maintains collaborative working relationships with the Indian Health Service, Alaska Native regional nonprofit organizations and other Native service providers. Through grants and contracts, Alaska Natives have opportunities to fashion treatment that fits the cultural environment that they know. In 1988, some fourteen percent of grants made by the Department to service providers went to Native organizations. Further, rural demonstration projects have been cooperatively developed and are currently being initiated in Native communities.

One good example is the Department's community-based Suicide Prevention Program which is designed to build stronger and healthier communities through use of the community development model. Although it is too early to measure the success of this new program in any tangible sense, 48 rural communities have started suicide prevention and health promotion projects based on locally determined needs and circumstances. It's a beginning; and it is starting at the appropriate level--within individual communities.

At the same time, it is clear that limited federal resources available to the State from the Indian Health Service have not focused to the extent they are needed on these pressing behavioral problems. I cannot overemphasize how important it is for the partnership which we are engaged in to be fully maintained. Just as the State must uphold its share of the partnership with individual Alaskan communities, so must the federal government, through the Indian Health Service, fully uphold its part. The problems we face are too compelling to do anything less.

VILLAGE ECONOMIES

We can talk all day about ~~any number~~ of problems that currently beset the Native citizens of our State. But we really can't talk too knowledgeably about solutions unless and until we are able to tackle the dilemma of rural economic development.

When we talk about the need for real economic development in rural Alaska, I think it can safely be said that our main concern has to do with the availability of jobs. As the data indicates, jobs in rural Alaska, generally, are few and far between. Besides the few permanent governmental and private sector jobs available in any given rural community, other State spending--especially on capital improvement projects--provided at least seasonal employment to rural workers during the first half of this decade.

As I expect most of you are aware, Alaska has recently experienced a severe downturn in its overall economy. Currently, our total State expenditures are, for instance, only 40% of what they were in 1982. Where once State capital expenditures provided many of the only jobs available in smaller rural communities, the current economic situation demonstrates that State government cannot be depended upon to provide stable, meaningful employment opportunities for all rural residents desiring to work. We can, however, take steps to see that additional decreases in employment opportunities are curtailed.

With that in mind, I think the most immediate and beneficial thing we at the State level can do is to work for stability in Alaska's overall economy. I am currently undertaking steps that will stabilize both revenues taken in and expenditures made by our State government. My goal is to get Alaska off the economic roller coaster caused by wide swings in world oil prices. It has been aptly pointed out that Alaska's rural economy is largely dependent on public sector expenditures. Stabilizing State spending, then, can only help our rural communities.

As for the creation of new jobs in rural Alaska, the challenges are limitless. But in the near-term, at least, we know we're not going to be able to provide employment opportunities to each person desiring to work in their home community or region. We can't do it; the federal government can't do it; the private sector can't do it. But by working together, I think we can create the kind of environment in Alaska that will get us to that place soon. At least sooner than if we sit back and hope that problems of rural economic development will somehow solve themselves.

Implicit in the findings that the rural economy is overly dependent on public sector expenditures is the need for a more vigorous private sector economy in rural Alaska. To that end, we have a division within one of our State agencies that deals specifically with rural economic development. In addition, another State agency administers a revolving loan fund which is geared, in many ways, toward small business development in rural Alaska.

These are but two examples of how we are supporting the development and/or enhancement of the rural private sector.

We shouldn't forget that training is an important aspect of employability. As new jobs are created in rural Alaska, there of course is the need for trained local individuals. Besides administering any number of training programs under the federal Jobs Training Partnership Act and through our State's Department of Education, I have recently put forth two initiatives focusing on the training and employment needs of our citizens.

One of the initiatives will make State monies available for retraining people who are currently receiving unemployment compensation from the State, a large number of whom are rural Alaska Natives. The second, and one that will require assistance from the federal government if it is to be successful, has to do with the establishment of a Jobs Corps Center in Alaska. I have asked our State Legislature to make available one million dollars to get such a Center started. Jobs Corps Centers, as you may be aware, basically serve disadvantaged, at-risk young adults. We think that establishing a Center in Alaska would help us better serve young male Natives who, as circumstances have demonstrated, are extremely at-risk for self-destructive behavior and suicide. If we can get these young people trained and employed, I think that half the battle will have been won.

The long and the short of this is that I believe State government can and rightfully should be a partner in fostering an environment that promotes and stimulates economic development in rural Alaska. I think there is an important role for the federal government, as well. If, working together, we can somehow find economic stability for rural Alaska, social and cultural stability cannot be far behind.

NATIVE EDUCATION

Several recent studies and a review by our own Legislature have shown that educational attainment among Alaska Native students is alarmingly low. What the data indicates, as well, is that low attainment in high school years is directly related to how well--or, in this instance, how poorly--an individual Native child does at the start of his or her formal education. Greater access to such programs as pre-school and Head Start for all eligible children is clearly needed. We support the call for greater availability of those types of programs to our rural students in general, as well as for all disadvantaged students throughout our State.

Our system of small rural high schools, painstakingly built over the past decade, has come under question in recent years. It is undoubtedly true that system is not working as well as it could, I believe it would be premature to conclude, as some have, that it is not working at all. In my opinion, a lot more time, a lot more energy, and a lot more thinking and doing must take place before we can come to any real conclusions about whether or not we can effectively educate rural and Native youth within our current educational structure.

Recently our State Senate studied school performance throughout Alaska. Its special committee made numerous findings and gave several recommendations regarding our rural high schools. The Committee concluded, among other things, that a much-needed redesigning of our process of schooling in rural Alaska could be achieved by teachers, school administrators and communities working together with common goals. I concur with that view mainly because it has as its base the concept that local involvement in the educational system is crucial for it success.

There are other recommendations made by the Committee that, I think, deserve serious consideration for adoption into law at the State level. The recommendations that I am referring to include: adopting standards for broad accountability within the educational system; considering alternative standards for teacher certification to address the problem of low Native teacher ratios in our schools; and taking steps to empowervillage-based school advisory committees, to name a few.

Mr. Chairman, Alaska's responsibility for public education is rooted firmly in its Constitution. My administration has taken many steps to show that what we stand for is a strong and improving educational system--an educational system that we hope will soon be second to none. Alaska is situated strategically to take economic advantage of the globally-expanding fields of science and information. Much of the future well-being of Alaska's citizens hinges on our ability to provide an education equal to that challenge.

My efforts in the area of education--including my current statewide initiative which would create a sure and stable source of public education funds far into the future--are intended for the good of our entire state. And my personal belief is that all students, today and tomorrow, should be given equal opportunities for obtaining the kind of education that will be needed to compete in our changing economy.

As we in our State move forward in our educational endeavors, I intend to take the extra steps needed to ensure that those who presently appear to be reaping a disproportionately low share of the benefits are better and more appropriately served.

CONCLUSION

By way of concluding my remarks, I would like to say that I realize a lot of work lies ahead. As I have said before, many challenges are before us.

For my part, I have issued a Native Policy Statement that can guide us at the State level as we attempt to better serve our Native constituency. I have also appointed what I call a Governor's Review Committee that is currently looking at how the State of Alaska goes about its job of providing services to Alaska Natives. It is made up of key cabinet officials and carefully selected Native leaders. The Committee's charge is three-fold: 1) to do an assessment of the service needs of our Native citizens; 2) to review how those needs are being addressed by the various State agencies; and 3) to determine what steps should be taken to optimize service delivery to Alaska Natives.

What the precise findings and recommendations of the Review Committee will be, I cannot say. But what I expect will be found is that there is much more we, collectively, can do, and that there are ways we can no doubt do things better. When I say "we," I am talking about State government specifically. But I think we all know that it is going to take a lot of doing on the part of many different groups.

Last month I proposed to the Alaska Federation of Natives that a "partnership" is needed if we are to effectively address the findings outlined in that group's recent report. The Alaska Native community has started what must be both a painful and frustrating process of self-evaluation. I think it is incumbent upon us now at the State and federal levels to give the fullest support possible to the continuance of this process, and to join in the search for solutions by carefully evaluating our own systems, assumptions, and priorities.

Finally, I know that many recommendations will be presented to you today and in the future regarding steps that the federal government can take for addressing the issues highlighted in the AFN report. This week, my office similarly received a letter outlining steps AFN would like the State government to take. It is too early for me to say which of those proposals we will ultimately adopt. I can assure you, however, that we will give them serious, careful, and expedited consideration.

While it is not my business to be telling the federal government what it ought to be doing, I urge you to seriously consider any and all recommendations brought forward to you by representatives of the Alaska Native community. Specifically, and as a start, I myself have reviewed the series of recommendations presented to this Committee by AFN. In general, I strongly support those recommendations and believe they merit very serious attention by the Congress.

Thank you once again, Mr. Chairman and members of the Committee, for this opportunity to speak before you today.

Attachment: Native Policy Statement

THE HONORABLE STEVE COWPER

NATIVE POLICY STATEMENT
OCTOBER, 1988

PREFACE

This document is intended to describe the present status of the state's relationship with Alaska Natives, and the policies of the Cowper administration on Native issues. Readers should recognize, however, that the state/Native relationship is not static, but dynamic. It depends, in part, on the precise nature of the special relationship between Alaska Natives and the federal government. It depends, too, on the evolving needs and goals of Alaska Native people, and on the state's ability to change its institutions and programs in response to them. This document therefore should not be regarded as a statement of fixed state policies, but as a sketch of the current state of a complex, developing relationship.

The primary purpose of this document is to inform and guide state employees who deal with Native issues. As a public document, however, and as the first comprehensive statement of this administration's policy on Native affairs, it can also be expected to serve as a springboard for intensified discussion of the issues outlined in this document.

INTRODUCTION

Alaska's villages are fundamentally different from urban communities, economically, historically and culturally. The cultural diversity of Alaska is one of the state's greatest resources. State government must recognize cultural differences and must support appropriate programs to help rural Alaskans face the challenges they encounter. Villages must be allowed to reassume greater local control and responsibility for the social welfare of their communities if they are to persist as culturally distinct entities.

Alaska Natives are citizens of the State of Alaska and enjoy the same political rights of other citizens. However, the state also recognizes that the federal government maintains a special relationship with Alaska Natives, and it supports the continuance of this unique relationship. The public interest of the state is best served by maintaining the special status of Native people and all federal programs extended to them on the basis of their relationship to the federal government.

LOCAL CONTROL

The State of Alaska's policy is to promote self-determination and local control in rural Alaska. Strong local governments must begin with a community's vision of a future it wants to build, the values it wants to promote, and the way of life it wants to protect. State government will support initiatives to strengthen local governments and empower people at the local level. The state believes that this can be done under the Alaska State Constitution and by adapting existing state institutions to meet these objectives.

The state recognizes the existence of tribal councils and other Native organizations and deals with them regularly. The state also recognizes that for some purposes many of these councils should be considered tribes under various federal statutes, but the nature and extent of their sovereign authority, if any, is undefined. The state filed an amicus brief in the case of Native Village of Stevens Village v. Alaska Management and Planning in late July 1988, which stated that tribes may exist in Alaska and that each Alaska Native village should have the opportunity to prove tribal status. The state's brief noted that some Native groups may possess tribal immunity even in the absence of other governmental powers, and that an Alaskan Native village would have sovereign immunity if it meets the legal criteria for tribal status, even if it lacks off-reservation governmental power. However, the State Supreme Court ruled that most Native communities in Alaska do not have any claims to sovereignty since Congress has never accorded them tribal status. On the other hand, the Ninth Circuit has indicated a more flexible attitude towards a case-by-case determination of tribal status (Appendix A, see State v. Venetie).

The state supports those communities which have not incorporated under state municipal laws through financial and technical assistance. During the last three years, the State of Alaska awarded more than 600 contracts and grants including revenue sharing totaling in excess of $90 million to village councils and Alaska Native organizations. The state recognizes that village councils and regional non-profit Native organizations administer many state and federal governmental services.

It is the state's position that the only "Indian Country" in the state is the Annette Islands Indian Reservation, Native allotments and, perhaps, Native townsite lots. However, in Indian Country under Public Law 280 or judicial federal pre-emption, the state has jurisdiction in certain matters.

Indian Child Welfare Act

The State of Alaska recognizes that children are the most vital resource to the continued existence and integrity of Alaska Native cultures and societies. The state believes that Native children should have the right to remain in their homes and villages to ensure the stability and continuity of Native societies. The state has a direct interest in the prevention of inappropriate cultural separation of children from their families and tribes. The State of Alaska reaffirms its commitment to establish agreements between Alaska Native tribes and the state regarding child welfare services and procedures. The state recognizes that under the terms of the Indian Child Welfare Act (ICWA) that tribal councils may petition the Secretary of Interior to assume complete or referral jurisdiction over Native child custody proceedings. The state supports amendments to ICWA to make it easier for village councils to exercise concurrent jurisdiction with the state over Native child proceedings and also to strengthen provisions relating to voluntary adoptions.

NATIVE LAND OWNERSHIP

The state recognizes that the cultural integrity of Native societies and the common benefit of its members are based on their land ownership. The state supports the efforts of Native people to maintain their land base through the implementation of the 1991 legislative amendments to the Alaska Native Claims Settlement Act, which contain several land protection measures.

VILLAGE ECONOMIES

Rural economies are fundamentally different than urban economies, and as a consequence, they require different measures than that of urban Alaska to develop a stable economy. Rural economies are based on a subsistence economy, and to a large extent on government expenditures. In many rural regions, the public sector, including the local government, schools, state government and federal government account for as much as 62 percent of all earned income while the private sector is around 38 percent. In the cities, the reverse it true. In urban Alaska, public expenditures account for 33 percent of all earned income and the private sector contributes an estimated 67 percent.

Prior to the 1986 economic downturn in Alaska, the annual per capita income of villages in western Alaska was far less than half of the average per capita income of the state. Furthermore, rural Alaskans received welfare payments that were about four times as much per capita as urban Alaskans.

An economy based primarily on government expenditures and a high dependency on welfare are not acceptable to this administration. The State of Alaska supports the development of a private sector economy in rural Alaska. The state believes that a stable economy is essential to the continued viability of rural communities and Native cultures.

The state and local governments must provide the basic community infrastructures and foster an environment that stimulates economic development. The state believes that economic development is best done by the private sector, such as the regional and village corporations created under the Alaska Native Claims Settlement Act. As the largest private landowner in Alaska, the state recognizes that Native corporations are vital to the economy of Alaska.

The state's rural economic development initiatives are based on the assumption that local communities must be in control of the planning and implementation of development activities. Grassroots development efforts have strength that are not found in programs that are designed and managed by outsiders. Economic development initiatives promoted by outside business interests or by a distant government do not necessarily improve the lives of local residents. The state views local communities and local initiatives as the basis for economic development and diversity, and ultimately economic stability for rural communities and improvement in the quality of life.

The State of Alaska recognizes that the majority of our rural communities are economically and culturally dependent on the harvesting of fish, wildlife and other natural resources. In recognition of this dependency, the state subsistence law places subsistence hunting and fishing as the priority use of wildlife and marine resources. The state recognizes that local participation on the fish and game boards, advisory committees and regional councils is also essential to protect subsistence and to manage wildlife effectively. In addition to representation on the boards and councils, the state's position is that increased employment of local rural residents in both state and federal wildlife management agencies will enhance fish and wildlife management and the protection of subsistence use.

The State of Alaska believes that subsistence must be protected on state lands as well in the federal conservation units. The state strongly encourages the development of federal programs with rural participation for subsistence hunting in the National Park System in Alaska required by Section 808 of the Alaska National Interest Lands Conservation Act (ANILCA). We also support full implementation of Title VIII of ANILCA, including full financial support for the state's subsistence and public participation program as required by Section 805 of ANILCA.

ALCOHOL

Alaska Natives have cited alcohol and drug abuse as one of the most destructive forces that threatens the survival of Native communities and cultures. The state strongly supports the efforts of Native people to resolve the problem of alcohol abuse in their communities. As evidence of that support, the state has established local option laws under which communities may determine through elections the extent to which alcoholic beverages can be imported, sold or possessed in municipalities and established villages.

Congress has also enacted Indian Liquor Laws which may be utilized by Indian tribes to accomplish similar purposes, although the operation of these federal statutes in Alaska has become uncertain because of recent state and federal court decisions on the tribal status of Alaska Native villages. In addition to the local option efforts, the state offers education and social programs which communities may utilize to assist them in their effort to eradicate alcohol and drug abuse.

EDUCATION

The survival of Alaska Native cultures is dependent on the transmission of their traditional knowledge, cultural values and language to their youth. The socialization and education of children occur both within the home and school. The state recognizes the need and importance of strengthening the language and cultural base of Native students in the formal education process. In cooperation with Alaska Native families and communities, the State of Alaska through its school districts supports the integration of Native languages and culture programs into the educational curriculum. The success of educating Native children to reach their fullest potential within both the Native community and larger society is also dependent on teachers who are sensitive to the cultural and linguistic differences of Native students. The state recognizes the importance of training and recruiting Alaska Native teachers as well as cross cultural training of non-Native teachers and supports efforts to achieve these objectives.

STATE SERVICES

As citizens of the State of Alaska, Natives are entitled to the same state governmental services that are available to other citizens. The delivery of services has not always been equitable nor have they been provided in a consistently effective manner. This administration is forming a task force with representatives from the Native community and state agencies to seek ways to improve the equitable delivery of services to Natives within both rural and urban communities.

RURAL JUSTICE

The State of Alaska recognizes that greater, direct participation of Alaska Natives in the administration of justice must be strengthened to bring the responsibility of social control closer to the local level. Traditional forms to control social behavior have been eroded and rural residents do not have easy access to state courts. This administration will continue to advocate for improved methods of village justice, and as one of the first efforts, the Cowper administration will seek greater involvement at the local level through the establishment of judgment boards within incorporated communities. Under recent changes to the municipal code, these administrative municipal bodies would not be part of the court system and would not be dealing with criminal cases. These judgment boards which were first proposed by the Alaska Federation of Natives Village Law and Justice Training Project would provide a local forum to deal with local problems in a manner appropriate to local circumstances.

FEDERAL NATIVE ENTITLEMENTS AND LEGISLATION

Because of the status of Alaska Natives under federal Indian law, they are entitled to special federal funds and programs. Almost all federal Native entitlement funds received in Alaska come from the Department of Education, the Public Health Service within the Department of Health and Human Services, the Department of Housing and Urban Development, and the Bureau of Indian Affairs within the Department of the Interior. Collectively, these four sources have made available to Alaska Natives approximately $280 million annually in the last five federal fiscal years (FFY); the total for the current FFY88, with other assorted Native entitlements, is approximately 285 million (Appendix B). The general trend for all departments combined has been upward, however, the increase has not taken into consideration the increases in the Native population or inflation.

The State of Alaska believes it is in the public interest of its citizens to protect these special entitlements. The state monitors federal appropriations and any proposed changes in the allocation process or eligibility requirements that would reduce benefits for Alaska Natives and result in increased demands on state services and revenues.

The State of Alaska supports federal legislation which would extend additional benefits to Alaska Natives. However, the state also believes that congressional action should not inadvertently advantage or disadvantage either side in the sovereignty debate.

If federal legislation is identified as raising possible sovereignty concerns, the state initiates an evaluation process which includes a consultation process with the Native community prior to a determination to seek a disclaimer. The disclaimer is a statement of neutrality on the sovereignty question. The question of whether to seek disclaimer language in federal legislation is principally a legal decision, and they are not necessary in all legislation.

LITIGATION

The state is compelled to uphold its constitution and laws, and when they are challenged, the state has entered into litigation. The sovereignty litigation mainly involves the contention that Alaska Native councils are tribes and that their villages are "dependent Indian communities" and hence "Indian country."

The cases in which the state has entered relate to fish and game regulations, taxation, and police powers (Appendix A). The loss of regulatory jurisdiction to control fish and game resources would adversely affect statewide management. Unincorporated villages have no fixed boundaries and Native villages could possibly claim jurisdiction over vast areas and deprive the state of revenues. The state is also concerned with the protection of the civil rights of non-Natives. If the federal government were to declare villages as Indian country, non-Natives would be subject to a government in which they had no right to participate and which could in fact bar them from the community and deny them other civil rights.

CONCLUSION

This document lays out the broad policies of this administration in regards to Native affairs. It is intended to be dynamic and change in response to the evolving needs of Alaska Natives. The aspiration of Alaska Native people to exercise a greater measure of control over their lives and communities is the same dream that gave birth to this nation. It is the conviction of the Cowper administration that the State of Alaska working in concert with Native people, can fully meet the ideals of local control and self-determination.

APPENDIX A

LITIGATION

Although sovereignty litigation in the state involves a variety of fact situations, the claims of the sovereignty advocates mainly involve the contention that Alaskan Native councils are tribes and that their villages are "dependent Indian communities" and hence Indian country, within the meaning of 18 U.S.C. §1151. "Dependent Indian community" is a phrase largely derived from McGowan v. United States, 302 U.S. 535 (1938), and which the proponents of sovereignty claim permits off-reservation Tribal councils to have the same self-governing powers as reservation tribes.

Sovereign Immunity: In a decision of the Alaska Supreme Court in Native Village of Stevens v. Alaska Management & Planning, decided on May 20, 1988, the court took a different approach to sovereign immunity than the state has ever suggested. While the state has contended that the issues of sovereign immunity can be separated from the issue of sovereign powers -- i.e., that Congress can grant immunity from judicial judgment to an Indian entity while still denying it governmental authority -- the court made the equation of sovereign immunity with sovereign powers the cornerstone of its logic.

The state believes that the court correctly found that off-reservation Alaska Native Villages lack the governmental powers of a sovereign. However, the state believes that some Native groups may possess tribal sovereign immunity even in the absence of other governmental powers. We disagree with the majority decision to the extent that it ruled that no Native groups in Alaska may qualify for tribal status or may have sovereign immunity. We believe that determination should be made on a case-by-case basis. The State of Alaska filed an amicus brief in this case describing the state's position in detail.

On August 25, 1988, the Alaska Supreme Court denied rehearing in the case. Thus, the May 20, 1988 decision in Stevens Village is now the law in the State of Alaska.

Fish and game regulation: Several Native councils have claimed the right to regulate fish and game, and several individuals have claimed immunity from state fish and game laws when near Native villages or where the taking is authorized by a Native council. None of the litigation to date has resulted in a clear-cut decision, although in one pending case, Native Village of Tanana v. Cowper (U.S.

District Ct., D. of Alaska, No. F83-034), the court found that even in Indian country, the state's fish and game laws apply.

In a separate recent incident, a National Wildlife Refuge manager cited two Natives for taking moose in a closed area and confiscated the meat; in response, a nearby Native council formed a "court of elders," tried the refuge manager in absentia, found him guilty of interfering with subsistence rights and sentenced him to a large fine and a period of community service. The refuge manager has ignored the elders' sentence.

Taxation: Several villages have asserted the right to levy taxes upon non-natives. The Native Council of Copper Center, an unincorporated community with a non-Native majority, passed a gross receipts tax on the trans-Alaska oil pipeline, which passes near the village on federal and private lands; the pipeline owners and the state won a preliminary injunction, and summary judgment motions are pending (*Alyeska Pipeline Service Co. v. Native Village of Copper Center*, No. A87-201, U.S. District Ct., D. of Alaska).

The Native council in Venetie, site of a former reserve revoked by ANCSA, has tried to impose the same tax on the contractor building a new state school in the community. When the contractor and the state declined to pay, the council sued the state in the "tax court" it had created for the purpose of enforcing the tax. The state then sued in federal court on the grounds of lack of authority either to levy a tax or to exercise judicial authority. The federal court preliminarily enjoined any attempts to collect the tax. A motion to dismiss is pending by the council on the theory that the "taxpayers" must first exhaust whatever remedies exist in the "tribal forum", including prepaying all the taxes. The council has appealed the preliminary injunction to the Ninth Circuit. On September 9, 1988, the Ninth Circuit denied the appeal, thus leaving the injunction in force. The case will be remanded to the District Court for consideration of the merits. (*State v. Native Village of Venetie*, No. F87-0051 (U.S. District Ct.); No. 87-4333 (Ninth Circuit)).

Police powers: One Native village council passed an ordinance prohibiting the removal of artifacts (including privately owned artifacts) from the village without council permission. It then sued an art dealer who had removed some valuable works with the permission of individuals claiming ownership. The state intervened, on the theory that the council had no authority to legislate the actions of non-members (and maybe not of members). The U.S. District

Court dismissed the case for lack of federal jurisdiction. The Ninth Circuit heard arguments last June, but no decision has been issued yet. (Chilkat Indian Village v. Johnson, No. J84-024 (District Ct.); No. 86-4312 (Ninth Circuit)).

In another case, a Native village is claiming the right to ban non-Natives from residing in the community. The Native Village of Tyonek brought suit against one of its members who was renting to a non-Native family, and a counterclaim was brought for a civil rights violation. The U.S. District Court dismissed the case for lack of federal jurisdiction, but opined that the village council did have authority to limit housing to Natives under the terms of a specific federal statute. It declined to address whether the village was Indian country or had general powers of government. The case is on appeal to the Ninth Circuit. (Native Village of Tyonek v. Puckett, No. A-82-369 (District Ct.); No. 87-3569 (Ninth Circuit)).

IRA constitutions: Under the Alaskan amendments to the Indian Reorganization Act, Native groups in Alaska may apply for federal approval of constitutions under 42 U.S.C. §476. Seventy villages already have IRA constitutions, with limited powers to "promote Native arts and welfare," employ counsel, and in some cases to "preserve order" on a reserve, if one is established. Since 1978, sixteen villages have proposed new IRA constitutions with greatly expanded powers, including the power to tax, to establish courts, and to exercise eminent domain. The new constitutions would also declare the communities to be "Indian country," thus implying that the land within its boundary is beyond the reach of state regulatory authority.

The Department of the Interior has never acted on the petitions, and recently two suits have been filed asking that the Secretary be ordered to hold elections on the new constitutions, even before reviewing them for conformity to federal Indian law. (Native Village of Eagle v. Hodel, and Native Village of Tanana v. Hodel, No. F87-58). DOI advised the court that it intends to call elections and review the constitutions on an expedited basis. The state supports this, but notes that DOI must review the substance of the constitutions to determine whether any provisions are contrary to federal law. DOI has consistently refused to state any clear recognition of the governmental powers of Alaska Native Villages, and Congress, in ANCSA, apparently envisioned no governmental role for the Native councils. Recently the Assistant Secretary for Indian Affairs gave an affidavit affirming the lack of any federal recognition of governmental powers.

ATTACHMENT B

TABLE 1

Major Native Entitlements FFY84 - FFY88
By Department and Program

DEPARTMENT	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF AGRICULTURE										
No Programs Specifically for Native Americans										
DEPARTMENT OF COMMERCE										
No Programs Specifically for Native Americans										
DEPARTMENT OF DEFENSE										
No Programs Specifically for Native Americans										
DEPARTMENT OF EDUCATION										
P.L. 81-874 Impact Aid Payments:										
Regular 874	25,881,026	17.9	30,514,896	4.8	31,973,874	6.2	33,965,079	7.6	36,546,605	41.2
Indian Lands 874	5,421,600	21.7	6,596,448	2.2	6,741,008	6.2	7,157,519	7.2	7,673,979	41.5
Special Ed Indians 874	3,670,298	(1.6)	3,612,965	21.3	4,383,612	6.5	4,668,128	9.7	5,119,355	39.5
Total P.L. 81-874:	34,972,924	16.4	40,724,309	5.8	43,098,494	6.2	45,790,726	7.8	49,339,939	41.1
Indian Education Act, Title IV:										
Part A - Formula Grants	6,585,634	3.2	6,797,853	8.4	7,367,056	(12.0)	6,484,318	0.0	6,484,318	(1.5)
Part B - Special Project Grants	133,848	336.6	584,331	(27.3)	424,709	(11.2)	377,339	0.0	377,339	181.9
Part C - Adult Indian Ed Grants	307,203	(77.9)	67,760	(100.0)	0	0.0	[illegible]	0.0	0	(100.0)
Total Indian Education Act:	7,026,685	6.0	7,449,944	4.6	7,791,765	(11.9)	6,[illegible]57	0.0	6,861,657	(2.3)
TOTAL EDUCATION:	41,999,609	14.7	48,174,253	5.6	50,890,259	3.5	52,652,383	6.7	56,201,596	33.8

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF ENERGY										
No Programs Specifically for Alaska Natives										
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
PUBLIC HEALTH SERVICE										
Indian Health Service - Alaska Area Native Health Service (AANHS)										
Operating Costs:										
Clinical Service:										
Hospitals & Clinics	71,570,100	1.7	72,768,700	4.2	75,819,686	9.4	82,973,300	2.8	85,277,800	19.2
Dental	2,951,500	4.8	3,094,000	4.9	3,247,000	(2.4)	3,169,700	8.5	3,439,500	16.5
Mental Health	778,000	14.4	890,000	10.5	983,300	(12.0)	865,500	44.5	1,250,700	60.8
Alcoholism	1,388,000	4.2	1,445,900	4.1	1,505,644	22.1	1,838,300	(3.4)	1,776,200	28.0
Maintenance & Repair	6,243,700	(58.9)	2,566,000	(5.1)	2,435,100	7.5	2,617,364	20.8	3,163,000	(49.3)
Earned Reimbursements	1,744,100	21.1	2,111,900	(23.7)	1,611,800	(9.6)	1,456,500	0.0	1,456,500	(16.5)
Contract Health Care	19,296,000	2.0	19,677,000	1.9	20,047,000	0.8	20,212,000	5.3	21,283,000	10.3
Equity Health Care	498,000	(100.0)	0		0		0		0	(100.0)
Preventative Health:										
Sanitation	3,956,400	4.9	4,151,000	(6.1)	3,896,000	2.4	3,990,000	(9.2)	3,623,000	(8.4)
Public Health Nursing	736,000	(13.4)	637,700	(58.1)	266,904	15.4	308,000	18.1	363,700	(50.6)
Health Education	255,000	1.6	259,000	76.8	458,000	(40.6)	272,000	67.6	455,800	78.7
Community Health Reps	1,772,000	(0.9)	1,756,000	(0.2)	1,752,700	0.0	1,753,500	10.0	1,929,100	8.9
Immunization	1,000,000	254.8	3,548,400	(26.7)	2,602,674	(84.8)	395,000	0.0	395,000	(60.5)
Indian Health Manpower	9,000	255.6	32,000	(60.9)	12,500	524.0	78,000	91.0	149,000	1,555.6
Tribal Management	375,000	2.1	383,000	(24.3)	290,000	1.6	294,700	(5.0)	280,000	(25.3)
Management/Operations	7,371,700	(1.8)	7,239,000	(7.6)	6,687,800	(59.0)	2,744,900	(3.6)	2,647,300	(64.1)
Total Operating Appropriated:	119,944,500	0.5	120,559,600	0.9	121,616,110	1.1	122,968,764	3.7	127,489,600	6.3
Other Reimbursements:										
Medicare	1,884,132	33.2	2,509,210	51.9	3,810,477	(9.3)	3,455,046		3,455,046	83.4
Medicaid	3,597,778	(62.9)	1,334,892	156.6	3,425,213	65.6	5,670,977		5,670,977	57.6
Catastrophic Illness Fund	0		0		0		892,574		892,574	
Quarters Collection	0		0		0		725,124		725,124	
Operating Total Available:	125,426,410	(0.8)	124,403,702	3.6	128,851,800	3.8	133,712,485	3.4	138,243,321	10.2

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
(AANHS, cont.)										
Capital Projects:										
Anchorage Hospital Replacement	0		360,000		(231,625)		231,625		11,150,000	
Kanakanak Hospital Replacement	0		13,915,815		1,704,000		0		0	
Kotzebue Replacement	0		0		60,000		1,958,060		0	
Kanakanak Headquarters	0		0		0		640,000		3,112,800	
Mt. Edgecumbe Maint & Repairs	0		0		0		2,200,000		386,000	
Bethel Quarters	0		0		487,000		0		0	
Kotzebue Quarters	0		0		0		0		662,000	
Barrow Quarters	0		0		0		0		760,000	
Capital Projects Total:	0		14,285,815		2,029,375		5,029,685		16,080,800	
TOTAL AANHS	125,436,110	10.6	138,669,317	(5.6)	130,881,175	6.0	138,742,170	11.2	154,294,121	23.0
OFFICE OF HUMAN DEVELOPMENT SERVICES (OHDS)										
Administration for Children, Youth and Families:										
Headstart Program	1,685,254	14.2	1,924,615	4.4	2,009,664	(6.2)	1,885,753	5.5	1,990,345	18.1
Child Welfare Services for Natives	65,000		65,000		65,000		65,000		65,000	
Child Welfare Training for Natives	0		50,000		50,000		50,000		50,000	
Administration for Native Americans:										
Grants	602,225	84.2	1,108,889	26.8	1,406,015	52.1	2,138,171	(28.3)	1,532,824	154.7
Administration on Aging:										
Title VI Grants for Natives	76,384	89.0	144,344	(6.7)	134,667	12.0	150,843	3.5	156,110	104.4
Title IV Grants for Natives			40,000							
TOTAL OHDS	2,428,863	37.2	3,332,848	10.0	3,665,346	17.0	4,289,767	(11.6)	3,794,279	56.2
BLOCK GRANT PROGRAMS										
No Programs Specifically for Native Americans										
TOTAL HEALTH & HUMAN SERVICES	127,864,973	11.1	142,002,165	(5.3)	134,546,521	6.3	143,031,937	10.5	158,088,400	23.6
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT										
Community Development Block Grants	5,167,000	(44.2)	2,885,000	(5.6)	2,722,000	0.1	2,725,000	(5.3)	2,580,000	(50.1)
Indian Housing Prog Loan Authority	18,271,000	118.4	39,910,229	(30.0)	27,938,718	4.2	29,105,891	(23.0)	22,397,761	22.6
TOTAL HOUSING & URBAN DEVELOPMENT	23,438,000	82.6	42,795,229	(28.4)	30,660,718	3.8	31,830,891	(21.5)	24,977,761	6.6

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF THE INTERIOR										
BUREAU OF INDIAN AFFAIRS										
School Operations *	3,677,050	(23.7)	2,805,315	(100.0)	0		0		0	
Johnson O'Malley *	5,909,644	10.3	6,521,130	(5.9)	6,133,400	(9.9)	5,523,800	(17.5)	4,555,200	(22.9)
Scholarships	2,591,600	28.4	3,326,500	(6.1)	3,123,600	6.6	3,331,300	(7.0)	3,098,600	19.6
Adult Education	307,600	18.6	364,700	4.2	380,100	31.7	500,600	(62.0)	190,300	(38.1)
Special Education	1,751,672	(55.4)	780,452	(100.0)	0		0	0.0	0	(100.0)
Education & Training *	1,043,000	(35.9)	669,000	(35.7)	429,856	(4.6)	410,220	1.5	416,200	(60.1)
Aid to Tribal Governments	1,408,900	23.5	1,740,000	13.4	1,973,000	4.8	2,066,961	(12.8)	1,801,400	27.9
Social Services	2,518,800	4.7	2,636,800	4.7	2,760,708	(15.9)	2,321,880	(17.0)	1,926,329	(23.5)
Housing *	2,800,400	16.9	3,275,000	9.1	3,571,726	(18.7)	2,902,969	(6.5)	2,713,900	(3.1)
Substance Abuse Prevention *	0		0		0		311,600	(100.0)	0	
Self-Determination	7,482,115	(40.9)	4,418,700	(7.5)	4,088,181	(11.8)	3,605,126	(24.3)	2,727,700	(63.5)
Commercial Enterprise *	0		0		465,000	12.2	521,855	(42.5)	300,000	
Credit & Financing	219,800	25.3	275,400	56.5	431,100	0.2	431,800	38.8	599,200	172.6
Employment Assistance	3,238,600	23.5	4,000,500	(11.7)	3,530,900	6.3	3,754,690	0.2	3,764,000	16.2
Roads Construction *	3,061,700	(1.6)	3,012,000	22.1	3,679,000	(21.9)	2,871,590	(22.0)	2,240,200	(26.8)
Roads Maintenance *	52,700	34.7	71,000	100.8	142,600	5.1	149,900	(53.7)	69,400	31.7
Trust Services General	113,700	2.2	116,200	(2.1)	113,800	110.2	239,261	19.4	285,600	151.2
Rights Protection	4,419,100	3.2	4,558,600	0.3	4,571,700	2.9	4,703,867	(16.6)	3,924,700	(11.2)
Real Estate Services	1,433,300	13.9	1,632,400	16.9	1,908,200	(3.5)	1,841,469	38.8	2,556,000	78.3
Trust Services Financial	35,300	(0.8)	35,000	(16.9)	29,100	7.6	31,300	1.6	31,800	(9.9)
Natural Resources General	181,700	12.1	203,600	47.6	300,500	(13.6)	259,500	38.2	358,500	97.3
Agriculture	810,900	19.4	968,400	(16.4)	809,300	5.4	853,000	(18.2)	697,900	(13.9)
Forestry	612,000	65.0	1,009,900	(2.9)	981,000	(0.2)	978,906	10.6	1,082,900	76.9
Minerals & Mining	73,300	(6.4)	68,600	(0.6)	68,200	26.0	85,900	(18.7)	69,800	(4.8)
Water Resources	47,400	(7.0)	44,100	(10.0)	39,700	12.6	44,700	(34.2)	29,400	(38.0)
Wildlife & Parks	408,800	37.2	560,800	(14.1)	481,700	13.0	544,415	(11.8)	480,100	17.4
Executive Direction	628,300	(7.3)	582,300	11.9	651,600	(2.0)	638,646	(0.9)	633,000	0.7
Administrative Services	2,184,400	(9.0)	1,959,600	(7.4)	1,814,100	10.7	2,008,892	(1.7)	1,974,066	(9.4)
Facilities Management *	6,071,200	(41.5)	3,553,000	(75.7)	864,200	1.1	874,000	(48.5)	450,000	(92.6)
P.L. 93-638 Contract Support *									3,372,000	
Metlakatla Support	1,238,424	27.1	1,574,488	(5.0)	1,495,995	(8.1)	1,374,816	(2.9)	1,334,563	7.8
TOTAL INTERIOR	54,291,405	(6.5)	50,763,485	(11.7)	44,838,136	(3.7)	43,182,995	(3.5)	41,682,748	(23.2)

DEPARTMENT OF JUSTICE

No Programs Specifically for Native Americans

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF LABOR										
Job Training Partnership Act:										
Regular - Title IV-A	2,738,872	(8.6)	2,504,678	(11.3)	2,221,187	3.2	2,292,588	(2.9)	2,226,551	(18.7)
Summer Youth - Title II-B	1,621,332	(10.7)	1,449,120	(10.0)	1,302,888	0.8	1,313,144	(0.9)	1,300,689	(19.8)
TOTAL LABOR	4,360,204	(9.3)	3,953,798	(10.8)	3,524,075	2.3	3,605,732	(2.2)	3,527,240	(19.1)
DEPARTMENT OF STATE										
No Programs Specifically for Native Americans										
DEPARTMENT OF TRANSPORTATION										
No Programs Specifically for Native Americans										
DEPARTMENT OF THE TREASURY										
No Programs Specifically for Native Americans										
TOTAL ALL DEPARTMENTS:	251,944,191	14.2	287,687,930	(8.1)	264,449,709	3.7	274,303,636	3.7	284,477,744	12.9
EXCLUDING AANHS CAPITAL COSTS:	251,944,191	8.5	273,422,115	(4.0)	262,420,334	2.6	269,273,963	(0.3)	268,428,944	6.5

Source: Division of Policy, Office of the Governor. 10/14/88.

STATEMENT OF SENATOR STEVENS
AFN OVERSIGHT HEARINGS
MARCH 3, 1989

Last year, I was pleased to see Senator Inouye take a trip to Alaska to see its beauty, diversity, and yes, its problems. We have been happy to have such a fine friend on this Committee, and to see his support for Alaska on the Senate floor.

Health, educational opportunity, economic opportunity and access to government services are all highlighted in the AFN report. In reading the report, the statistics are grim, but more alarming is the fact that our Native children and young adults are so much at risk.

Alcohol and substance abuse are the causes of much of this high risk. We all worked very hard on last year's Anti-Drug Bill, and included in this year's appropriations bill demonstration projects to combat fetal alcohol syndrome and fetal alcohol effect, and to fund a suicide prevention project. My office is working with many of the people you will hear to help with resources to start drug and alcohol programs in their communities.

This year our job is harder than ever. This War on Drugs means our resources are increasingly committed there. I believe all Alaskans and Americans agree we have to fight drugs; they're a cancer. Everything else we want to accomplish is underfunded because of this war.

We thank you for the efforts last year to simplify the regulations applicable to "638" contracts in the Self-Determination Act Amendments. As a result of our efforts, Tlingit-Haida was one of the first in the country to be awarded a tribal self-governance demonstration project.

Native housing issues are one of our greatest challenges -- (people here in Washington just don't comprehend the unique village situation). In the lower 48, there is a lack of housing in the cities, and a surplus in the rural areas; Alaska's conditions are just the opposite.

I am hopeful we can use the Indian Health Care Amendments of 1988 to fund special programs for mental health and alcoholism in Alaska.

Many here are concerned about the funding of the CHAP (Community Health Aide) program this year, which is funded to $10.039M in FY89, a $5M increase in the program which the Chairman helped on in Appropriations. The Senate figure was higher, a $7M increase, but in conference with the House, was cut to $5M). $27M is needed to adequately fund the program, especially in the area of training. We work very hard for our Community Health Aides; they are the front line "MASH" units for health care access in rural Alaska.

STATEMENT OF SENATOR FRANK H. MURKOWSKI
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
MARCH 3, 1989

Mr. Chairman, I want to thank you for holding this very important hearing on matters critically important to the people of Alaska. I commend you for your fine work at the helm of this important and unique committee. What began with your personal fact finding trip to rural Alaska last summer, followed by a thorough assessment by the Alaska Federation of Natives of the severe problems facing Alaska Native villages, brings us today to this oversight hearing on that important report.

I also commend the AFN for their extraordinary effort in putting together this report. For more than 22 years, the Alaska Federation of Natives has been an effective advocate for our Eskimo, Indian and Aleut peoples. In a state that just celebrated its 30th anniversary of Statehood, 22 years of success is a most significant tenure of service.

Mr. Chairman, I will keep my remarks short so that the Committee's time may be used to listen to the message delivered by the Alaskans who have traveled so far to testify here today. I have read carefully AFN's report, and I am deeply disturbed by the trends it reveals.

Alcohol abuse, violence and self-destruction are afflicting village Alaska. Native males between the ages of 20 and 24 are killing themselves at a rate 14 times the national average. Fetal alcohol syndrome affects Alaska Native infants at twice the national rate. Accidents are the leading cause of Native mortality -- more than 50% higher than cancer and heart disease, the second and third leading causes of Native deaths. Accidental deaths among our Natives are three times the national average.

Mr. Chairman, what is most disturbing is that young Native adults and Native children are the populations most at risk. In 1980, 23% of all Alaska Natives were under the age of 10, and Natives between the ages of 10 and 19 comprise the largest age group in the Native population.

Many of the social problems in village Alaska are related to the economic viability of rural Native communities. In 1988, only 42% of working-age Alaska Natives were members of the active labor force, as compared to nearly 86% of working-age non-Natives. And a majority of the Natives who were employed work for the government. When dollars disappear for federal or state programs such as funding for the Johnson-O'Malley Act programs, villages not only lose the program, but they lose jobs.

In 1986, the average Alaskan made $17,400 a year, yet the average Native living in Western Alaska made $11,300. And because of the high cost of living in rural Alaska, wages are worth less. The average Native family living in Kotzebue or Nome, for instance, spends 62% more per week on food, 165% more on electricity and 46% more on a barrel of heating oil than does a family living in Anchorage.

Mr. Chairman, each year Natives in rural Alaska are increasingly dependent on a cash economy and the cash is simply not there. Because there are few jobs and little money to be earned, too many Natives depend upon the Federal or State government for there basic needs. But a high price is paid for a large government role in the villages. Economic dependence engenders low self-esteem that contributes to the cycle of depression, alcohol abuse, violence and death.

Further, the cost of maintaining and operating the infrastructure built in the villages with federal or state money is often found to be beyond the means of the villages, the state or federal programs. While water and sewage treatment facilities are critical to the health of Natives in rural Alaska, who is to pay to operate these facilities once they are built?

Education is another area of concern. The number of Native students graduating from high school has been steadily increasing, and much of this is attributable to the State's construction of small village high schools. By 1984, the state had built and was operating 126 schools and 1,000 students were graduating annually.

But we must do better, if our Native people are to have decent jobs. In the 1950's and 60's the Alaska Native community concentrated on the issue of their land claims. After passage of the Alaska Native Claims Settlement Act, the Native community was forced to rapidly understand and implement that act. Many of the job opportunities created by ANCSA, however, have not been filled by Natives. There are too few Natives with the education level necessary for those jobs.

The challenges presented to us are extremely complex because of the joint federal and state roles, plus the need for local self-determination.
--We must find new and better ways to cope with the pressures of rapid cultural change,
--to recognize Alaska Natives as ethnically distinct groups of people whose rich culture and traditions are valuable to us all,
--and to live up to our responsibilities for the health, education and welfare of the Native people.

This will require the federal and state governments to work closely with the villages to develop strategies the Native people can call their own. As history has shown us, governmental solutions imposed on village people do not produce the best results in many instances..

That's why I support the idea of a joint federal/state/village, commission to dig deeply into the root causes of the problems facing rural Alaska. This commission would develop recommendations for turning around the disturbing trends identified.by the AFN report. This kind of effort is necessary to take our Committee's work a step beyond identifying the severity of the problems facing village Alaska, and moving toward concrete proposals for improving village life and the future of young Alaska Natives.

The inquiry this Committee has undertaken is a very important first step, but our efforts can't stop here. The AFN report has only scratched the surface of the problems. We have a way to go to develop the solutions, and I again commend the Chairman for calling this important forum.

PREPARED STATEMENT OF JANIE LEASK

Good morning. My name is Janie Leask, and I am the President of the Alaska Federation of Natives (AFN). On behalf of the AFN, I would like to thank you for holding this hearing on our recently- released report, entitled "The AFN Report on the Status of Alaska Natives: A Call for Action".

In preparing this report AFN wanted a clear statement of the growing crisis affecting Alaska Natives. We believe the report begins to describe a profound historical crisis of health, culture and economy which affects every Native person to some degree. We hope that it will be helpful to the Congress as you look at the federal responsibility to Alaska Natives and at ways to improve the future for Alaska Native people.

We should recognize at the outset the limitations of the AFN report. It is not a comprehensive study of Alaska Native needs, nor does it present an in-depth critique of governmental program delivery. It does not contain original research but takes the form of a compilation of existing data because we wanted hard, irrefutable data which do not overstate the problem, the statistics cited in the report, as alarming as they are, are conservative. In some cases higher figures are indicated in other reports. Further analysis by the Congress, the State of Alaska and the Native community is essential.

The scope of the AFN report is broad, including information on: health, social/behavioral pathology; demographics;

economics; and public education. All of it is presented in a series of tables and graphs, many of which compare the circumstances of Alaska Natives to those of non-Natives. Accompanying the graphics is a brief analysis and interpretation of the data.

Even the most cursory review of the data indicate that despite substantial improvements in health, standard of living, economic opportunity, and institutional services, an increasing number of Alaska Natives now face greater risks and declining opportunities. We conclude that the outlook for positive change does not appear good unless effective countermeasures can be established.

Recognizing the magnitude and sources of risk, requires an understanding of two key factors: 1) that rates of health and social disorders among Natives are abnormally high and, in some instances, are accelerating; and 2) that specific groups have a disproportionate risk: such as rural residents and young male adults that often exceed rates for Alaska Natives as a whole.

The analysis documents alarmingly high rates of self-destructive behavior and demonstrates that the major victims of such behavior -- Native infants, children, and young adults -- are increasing in number. Most Alaska Natives live in communities in which the local economies cannot provide a life-sustaining standard of living without substantial, on-going

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public subsidies. Public policies intended to assist Native individuals, families and communities have created and perpetuated dependence rather than self-sufficiency. The data also indicate that in Native villages government has largely failed to discharge its most important obligation - to provide children an adequate education.

What is clear from all this is that there has been fundamental failure of public policy towards Alaska Natives and rural Alaska. The actual consequences of many public policies which were created to help Alaska Natives have not produced the intended results. It is AFN's conclusion that more government effort in the same vein will not solve the problems identified in the report.

AFN does not blame the federal and state government for all of our problems. Nor do we look to the government to be solely responsible for solving them. Responsibilities are shared and Native institutions, including village governments, Native regional non-profits and ANCSA corporations are willing to accept our share. Our call to action is not only to government; it is a summons to our people and organizations as well.

We have come to tell you what we are striving to do, what we are asking of the State of Alaska, and what we are asking of the Congress.

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What We Are Doing

Let me turn first to what we ourselves are doing and begin with our efforts to fight alcohol, so prominent a cause of many problems.

We ban alcohol at all functions of the Alaska Federation of Natives. At our latest convention we focused the attention of 1,500 delegates and the state's media on problems of alcohol use and the array of tragedies that accompany it.

We have set up an Alaska Native Blue Ribbon Commission on Alcohol and Drug Abuse to support the grassroots sobriety movement now developing across the state. The commission will launch a statewide campaign to raise the visibility of the sobriety movement and to carry the message "It's okay to be sober".

Approximately 40% of our villages have in one way or another attempted to limit alcohol consumption and abuse in their communities. For example: Eight of our Native communities (including many of the larger ones) have voted to prohibit sale or possession of alcoholic beverages. Five villages have prohibited sale, seventeen have enacted a ban on possession, and fifty-eight prohibit importation and sale. Late last year, ANCSA corporate leaders in Kotzebue led their community to defeat a well-financed effort to bring alcohol sales back.

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Despite the will of these eighty communities, alcohol shipments to many of them continue to be made and bootlegging is flourishing in some.

We asked for new laws to combat bootlegging and the state legislature responded. As a result, bootlegging in a local option area is now a felony, which carries a maximum $50,000 fine and up to five years in jail, rather than a misdemeanor, which carried a maximum jail term of one year and a fine of up to $1,000. Alcoholic beverages shipped to villages prohibiting sale or possession must now be prominently labeled, and where possession is allowed, limits are fixed on how much liquor may be accumulated by a person. A reward fund of $100,000 for information leading to the conviction of bootleggers has been established. At the urging of villagers, special efforts at enforcement of the laws are being made.
It is premature to determine what impact these changes in state law have on communities in local option areas, but we are both hopeful and determined.

Villagers at many locations are also looking to actions they can take to bring about change in their own lives. In some places, Alcoholics Anonymous groups have been formed; in others, the experience of the people in Alkali Lake in Canada, told through videotape, is becoming an example of how a community can win a struggle against alcohol; and in others,

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concerned groups have looked to traditional cultural values as a foundation for renewal.

Alcohol problems and their attendant tragedies persist, despite governmental programs and the efforts we are making as a people. AFN has sponsored two statewide Native leadership retreats this past year in an attempt to identify the critical social, health and economic needs of our people and to set goals for the kinds of communities we envision.. Concerns were shared from all over the state, and although cultural groups differ, the similarity of the problems was striking.

AFN is planning a major Native Economic Summit meeting for May 11 & 12 to discuss options and develop strategies which lead to economic opportunities and benefits for rural Alaska.

Finally, let me report new commitments Native organizations are making to address the issues described in our report.

We have pledged to assist federal and state agencies to analyze social and economic needs of village Alaska and to identify what steps should be taken to meet those needs.

The Native non-profit regional corporations who are major contractors of BIA funds and state programs are being urged to evaluate their own management structure and program delivery.

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with the goal of increasing their effectiveness as providers of services.

Native leaders are pledging to perform an expanded role in giving leadership in village and non-profit efforts to improve life opportunities. It is critical that even more Native leaders make a commitment to provide their most valuable asset, their time, to this cause.

RECOMMENDATIONS TO THE STATE

Let me briefly tell you what we have asked of the State of Alaska.

Recommendation #1

We have asked Governor Cowper to direct the recently formed Governor's Review Commission on Native Services to conduct, in cooperation with AFN, an assessment of needs of Natives and an identification of the state steps to be taken to meet these needs.

Although we can describe social and economic characteristics of village Alaska and the consequences of past and current policies, and we have done so, we need the assistance of those state agencies which implement policies and budgets to help us define what ought to be done. To meet some needs, larger appropriations may be needed; but to meet others, what may be required is a redefinition of responsibilities,

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organizational changes, or the establishment of effective systems. What is envisioned here is a year-long analysis undertaken with the cooperation of state providers of services.

Recommendation #2

AFN has strongly supported the Governor's Interim Commission on Children and Youth for the past twenty months.

To continue this important work we have urged the state legislature to create a permanent commission on children and youth to develop a comprehensive statewide plan which identifies the needs of children and youth and makes recommendations to enhance their quality of life.

Recommendation #3

We have urged the state legislature to continue the work of the Senate Special Committee on Suicide Prevention. Rural legislators plan to introduce legislation to create a Joint House and Senate Committee on Suicide Prevention. The purpose of the committee would be to continue to explore issues relating to suicide, alcohol and drug abuse.

Recommendation #4

We have urged the legislature to consider partial restoration of the ability of small rural communities to carry out local government functions by increasing the minimum revenue sharing allocation to $50,000 for each community and adding $3.5 million

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to the FY 1990 budget to assure that the increased minimum does not reduce entitlements of larger communities.

In this time of economic downturn, rural communities, especially those lacking a tax base, are experiencing even graver problems in 1989 than they experienced in the recent past. Not only are there fewer jobs, due to reductions in State expenditures for capital projects, but the capacity of local governments dependent upon State revenue sharing to carry out critical functions has been seriously handicapped. Reductions of 30 percent or more in revenue sharing and municipal assistance over the past three years have sharply diminished the ability of rural communities to meet their minimum responsibilities.

On the basis of its 1988 survey of 172 rural communities, the Department of Community and Regional Affairs (DCRA) reported that 95 percent of them had significantly reduced one or more essential services. Although construction of water and sewer systems and other capital projects during the State's high income years are placing new fiscal demands on communities, most are receiving only the revenue sharing amount they received five years ago (about $30,000 each) and 30 percent fewer dollars in municipal assistance ($80 per capita, down from $120).

Perhaps most hard hit by the budget reductions are the 72 unincorporated communities (often IRA's or Traditional Councils) which are receiving this year less than $14,000 each under

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revenue sharing -- about 70 percent of what they received in FY 1984. They receive no funding under municipal assistance. It is not surprising that one-fourth of these communities told DCRA that they would be unable to continue health clinics, fire and sewer services.

Unless the capacity of communities is restored to carry out essential functions of operating and maintaining facilities, millions of dollars will be required in the future to replace such facilities. Further, unless minimum grants are increased, local self-government will have little real meaning.

Recommendation #6

We have urged the legislature to enact the recommendations of the Special Senate Committee on School Performance into law and provide funds for implementation of the recommendations.

The special committee was established following disclosure of 1987 student achievement test scores that showed high percentages of poor and minority students significantly below national averages. Far out of their proportion to the population, Alaska Native children and youth are facing precarious futures.

We joined the committee in calling for schools in which not just the best prepared or most motivated are learning, but schools in which all children are learning. The legislature

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should adopt the committee's proposed purpose that makes plain that standards will be high, and the committee's proposal for broad accountability.

We joined the committee in its expression of confidence that the process of schooling can be redesigned by teachers and communities working together (perhaps with the assistance of colleges and universities), and accordingly, support the competitive grant programs and the empowerment of village advisory committees. We note that the proposed waivers of law and regulation that may be allowed could be of especial importance in culturally different settings.

The committee's proposal to authorize persons to become certified as teachers on the basis of competence is very important to rural Alaska, for it could result in an increase of the number of Native teachers. Under current law, persons without baccalaureate degrees can not be certified unless found competent as teachers by both an employing school district and the commissioner of education. At present, only 170 Natives are among the 6,600 teachers employed in the schools.

What we have said so far is meant to acknowledge explicitly that we recognize that all of our problems are not yours to solve.

RECOMMENDATIONS TO THE CONGRESS

As we said at the outset, however we do have a few proposals to make to you, and we now offer them for your consideration.

Our first and central recommendation is to urge this Committee to establish a Joint Commission on the Status of Alaska Natives which includes representatives of the Alaska Native community, and state and federal governments.

Congress, in the 1971 passage of the Alaska Native Claims Settlement Act (ANCSA) , set itself the obligation of thoroughly reviewing the status of Alaska Natives during the 1980's. The Department of Interior was required to prepare a report for submission to the Congress by 1985. This study was started but never finished. Furthermore, those parts of the completed draft which dealt with the socio-economic condition of ordinary Natives were superficial and misleading. In light of the incomplete 1985 Study, as well as the release of the AFN report which contains many of the data and conclusions the 1985 Study should have contained, it would be constructive to begin further analysis and policy examination through the institutional framework I am recommending to you now.

The purpose of the Commission would be to make specific, concrete policy recommendations to the United States Government, the State of Alaska and Native Institutions which would reduce the levels of social pathology and enhance the lives, health and general well-being of Native people. It would deal with issues such as basic level of services, how we get there and who pays for them. We envision that this Joint Commission would herald a new partnership between Alaska Natives and the federal and state governments by concentrating the attention and authority of public policy, on the levels of life where Native people are in real trouble - the individual, the family and the village. Together we could address five central issues raised in the AFN report: 1) the loss of local Native control and responsibility; 2) economic development in rural Alaska; 3) social service delivery necessary at local levels for families and individuals; 4) health care needs; and 5) the public educational system.

The Joint Commission should have a budget, and a professional staff and should be able to set up issue-specific task forces from within its own membership. It should have the authority to hold public hearings. It should have an institutional life of two years - a strict performance deadline and be required to issue a written report. The goal of the report would be to address how do we get a basic standard of living without destroying our Native cultures.

Mr. Chairman, I would like to point out that there is ample historical precedent for the creation and operation of such recommendatory bodies. In the mid-1970s, when the Congress needed a thorough review of Indian policy in this country, it created the Indian Policy Review Commission. In the late 1960s, Senator Henry Jackson and others saw the need to create a fair and politically feasible settlement of Alaska Native land claims. They turned to an existing mechanism, the Federal Field Committee for Development Planning in Alaska, and charged it with researching and preparing recommendations on which the Congress could act. In both cases, the policy recommendations from the study groups were only that - recommendations - while the power to make law and appropriate public funds rests with governments which may or may not go along. But the very act of creating such an effort focuses the issue in the eyes of government and the public, and the resulting policy recommendations raise the level of debate and provide all of us the kind of perspective we need.

The Alaska Federation of Natives sincerely believes that the time has come for the United States, the State of Alaska and the Native community to recognize the fact that there is a real historical crisis unfolding in the bush and to join together in a serious effort to address it.

OTHER RECOMMENDATIONS TO CONGRESS

In addition to the central proposal to establish a Joint Commission on the Status of Alaska Natives, AFN has several other recommendations in the areas of: 1) education and training; 2) Indian Health Service; and 3) the Bureau of Indian Affairs.

Education and Training

As noted earlier, we are counting upon the state legislature to enact a program to improve schooling as recommended by a special committee of the State Senate. We are relying upon the State to make the needed changes and to meet continuing responsibilities in public education.

However, AFN is concerned about the erosion of the federal role and responsibility to Alaska Natives in the area of education. We belive that in order for Alaska Native children to receive the education that they are entitled to, federal resources must be directed to complement what the state is doing, in some innovative ways. Educational opportunities must start earlier and involve Native parents.

The following are some areas that we believe hold much promise: 1) early childhood programs: a) Headstart expansion, and b) Home Instruction Program for Preschool Youngsters (HIPPY) demonstration in small villages; 2) planning for a specialized Native Enrichment academy in an urban setting, for Native youth of secondary school age; and 3) a) restoration of funding for the Job Training and Partnership Act (JTPA), (and modification of limitations), and b) establishment of Jobs Corp Center in Alaska.

We urge the Congress to provide funding to allow initiation of Headstart programs in additional villages and to reduce the waiting list of eligible children at locations where Headstart is currently offered.

Twenty years ago, Alaska Natives called for expansion of Headstart in the state, telling a Senate subcommittee that only one-fifth of the eligible children were served. Although funding for the program has increased over the past two decades, the proportion of children served is about the same as it was in 1968. Only 1,700 children are currently served by Headstart. Even though the value of the program is unquestioned, more than 150 villages have no Headstart program today.

The principles guiding Headstart -- including parental involvement, local control, and comprehensive services -- are especially responsive to the needs of Alaska's villagers, as are the goals of improving the children's health and advancing their development and helping their families gain in self respect and independence.

A draft needs assessment conducted in 1988 concluded that a feasible target for 1991 would be to serve 5,000 of the estimated 8,000 eligible children. The authors of the study estimated that appropriations would have to be increased by $15.3 million annually to serve the target number.

We also urge funding for a demonstration project to engage parents in the education of their small children in their homes with the assistance of trained paraprofessionals.

Some of our villages have populations too small for the establishment of center-based Headstart programs, but home-based programs could be undertaken to meet the needs of these children. We think this program should be undertaken on a demonstration basis in selected villages.

The program model that we think is most promising for our rural areas is the Home Instruction Program for Preschool Youngsters (HIPPY), developed in Israel in 1969 and now conducted in the United States and in developing countries around the world. In this program both mother and child are learners, with the mother growing in her recognition of her responsibility in the education of her child. The visiting HIPPY trainer is a local paraprofessional, typically a young mother herself.

In Arkansas, highly effective programs are being conducted with funding ranging from $500 to $1,000 per child per year. A Virginia educator calls the Home Instruction Program for

Preschool Youngsters (HIPPY), "the greatest program for children and parents in the world".

We ask that training opportunities for Natives and other Alaskans be expanded by restoring earlier levels of funding for the Job Training and Partnership Act, modifying one provision of it, and by establishing a Job Corp Center in the state.

Unemployment rates are higher in Alaska than elsewhere in America generally and even higher in rural Alaska than elsewhere in the state. But owing to the absence of job opportunities that could be pursued in rural areas, even those high levels are severe understatements of joblessness among Alaska Natives.

The Job Training and Partnership Act (JTPA) is a well-managed and cost-effective means of putting Alaskans into jobs. Given the need for remedial education among so many village youth -- even among high school graduates -- provisions in the JTPA program for pre-employment skills training (including English and mathematics) are especially valuable to Natives.

But the state's JTPA program manager estimates that only four to five percent of the eligible population are served by the program. In FY 1988, appropriations for the Department of Labor program in Alaska had been reduced by 20 percent from FY 1984, even though the need for JTPA services had risen sharply.

In addition to limitations imposed by funding, limitations against partnership with public employers works a particular hardship on rural Alaskans who seek training and employment in their home regions. Local and state governments are often the principal employers in western and interior Alaska. The present regulations which limit to 35 percent the funds that may be used with public employers is a barrier to creation of additional JTPA slots. The end result is that it limits the number of villagers who could obtain good jobs.

About half of the Alaskans who currently go to Job Corp Centers in other states are Natives, and to us, this is adequate reason that a Job Corp Center be established in this state: the programs of a center in Alaska will be planned to be culturally sensitive to these young people who come from settings so markedly different from those of most Americans. In addition, single mothers are more likely to become enrollees when distant travel can be avoided.

The State of Alaska has filed an application with the U.S. Department of Labor for Alaska to be considered as one of the six sites for new Job Corp centers.

In addition, we urge increased emphasis be given to placing rural residents in non-local employment openings on a periodic (seasonal, short-term, or commuting) basis, with a priority given to developing community-based work teams.

An example which has proved feasible has been the development of village fire fighting teams. Public sector employment in the rural areas should be analyzed to see if a more flexible job classification and culturally relevant work schedule could meet the needs of government as well as provide more job opportunities for rural residents.

We ask the Congress to provide funding for planning of an Native Enrichment Academy in an urban setting, that would enhance the prospect of village high schoolers succeeding in high schools, technical schools, and colleges.

Although bills pending in the state legislature give promise of improvements in schooling, an important issue too little addressed is a means to provide rural high schoolers with urban experiences, broad socialization opportunities and career planning. While there is broad agreement on the need for these kinds of experiences, options for how they might be best provided have not been sufficiently explored. One approach, for instance, could be to bring village ninth-graders for short terms to an Urban Enrichment Academy to encourage them to think about their futures as they begin their critical high school years. Another approach would be to establish a federal boarding school with a specialized curriculum. Yet another would be a twelfth-grade boarding school. And there are many other options which can be explored.

The state currently operates a boarding school at Mt. Edgecumbe (which until 1985 was a Bureau of Indian Affairs boarding school), but as many students are turned away as are admitted.

We believe that, given the state's assumption of costs and schooling for virtually all Native children and youth, and the resultant reductions in spending in the Bureau of Indian Affairs in Alaska, it is reasonable and appropriate to ask federal support for the academy we envision.

The planning funds would be used to fully assess the needs for an academy, explore alternative programs to meet those needs, identify costs, and after consultation with affected parties, make appropriate recommendations.

Indian Health Service

In the area of health care needs, the Alaska Native Health Board (which is the AFN standing committee on health) will be presenting testimony later this morning. AFN would like to highlight two specific areas which will require your attention this year.

We think it is urgent that the Secretary of Health and Human Services be encouraged to withdraw the proposed final rule on Indian Health Services eligibility which would decrease the number of Natives eligible for services.

The effect of this rule would be to eliminate over 15,000 Alaska Natives from services to which they are entitled, an indefensible action. If it goes into effect, further declines in the health status of Natives can be the only consequence.

Of equal urgency is full funding of the Community Health Aide Program at the $28.7 million level.

The Community Health Aide program is the backbone of the health service in rural Alaska. Full funding of this program is essential to address attrition resulting from heavy work schedules, low salaries, and the need for training. It is also needed to assure that adequate equipment and facilities are available to support the aides in delivering basic health care service to growing population.

Bureau of Indian Affairs

We urge the Congress, first, to reverse the continuing reductions in Alaska's allocation from the Bureau of Indian Affairs by restoring funding for tribal contractors to FY 1985 levels.

Since FY 1984, the budget for "operation of Indian programs" by the Bureau of Indian Affairs has grown by over $100 million, but Alaska's allocation has been reduced by over $12 million during the same period. About one-third of the reduction may be attributed to the closing of the last Bureau school in FY 1985, but reductions have continued since that time.

In FY 1985, P.L. 93-638 contracts with Native organizations totalled $21.1 million. In FY 1988, such contracts amounted to $18.8 million. Services provided by these tribal contractors -- adult education, employment assistance, economic development, social services, and others -- are the kinds of support critically needed by the growing Native population, but their availability is diminishing, leaving an ever widening gap between needs and services.

Second, we ask that a reassessment of what Bureau workforce in Alaska is required to carry out its responsibilities in order to determine whether additional funds could be made available to tribal contractors delivering services.

In FY 1988, $35.7 million was allocated to Alaska for "operation of Indian programs", and of that amount, $18.8 million was allocated to P.L. 93-638 contracts for the delivery of services. In the preceding two years, the ratio was about the same.

In Alaska, the Bureau's role is principally one of overseeing contracts and providing technical assistance to contractors. We question whether performance of that role should cost almost as much as the delivery of services.

A reassessment such as we propose would confirm the need for the current division of Alaska's allocation of Bureau funds or would suggest the need for change. One new role the BIA could provide, is to be a funding vehicle for culturally relevant innovative programs. The Congress could expand the budget in areas to help people innovate. The BIA could provide funds for pilot programs, then work to get private corporations, the federal or state agencies to fund things that work.

Third, we ask for a review and evaluation of Bureau criteria for allocating annual levels of funding for Alaska programs.

Although the contractors seek to provide services on the basis of need, they can only do so within allocations established by the Bureau. And the Bureau's budget for Alaska appears to be fixed in Washington, D.C. entirely indifferent to needs.

For operation of Indian programs in FY 1987, the Bureau received $921.1 million nationwide. Of this amount $36 million was allocated to Alaska. In FY 1989, the Bureau received $966 million nationwide. Of this amount, $34.9 million was allocated to Alaska.

The Bureau's nationwide budget is expected to serve 864,000 Native Americans. While we do not argue that Alaska Natives should receive a per capita entitlement -- 9 percent of the national budget instead of 3.6 percent -- we are not persuaded that the allocation is equitable.

We recognize that allocations elsewhere in America may be high owing to federal support of tribal community colleges, schools, law enforcement, and other costs not borne by the federal government in Alaska. But on the other hand the large number of villages in Alaska, their remoteness from one another, and the attendant high costs of providing services are not comparable to these found elsewhere in America.

While our understanding of the Bureau's system for allocating funds among Indian areas is limited, a review and evaluation will allow for a clear understanding and disclosure.

Fourth, we renew our request that the Congress reverse its policy of excluding Alaska Natives from the Bureau's general assistance program.

Since 1985 Bureau appropriations' bills have contained language excluding Natives from the Bureau's general assistance program.

In brief, the state's programs of general relief is not comparable to what the Bureau can provide under its authority. The state's program is temporary, whatever the duration of need. Although it can be renewed upon application, the general relief programs of the state is not meeting continuing needs of Natives.

In 1981 the last full year in which general assistance was provided Natives by the Bureau spending totalled almost $5.4 million.

Fifth, we request that the Congress assess the funding levels of the BIA adult vocational training and direct employment services programs to determine if funding levels are realistic in light of the demonstrated needs.

The BIA Employment Assistance division warrants special attention. In Alaska there are twenty-eight tribal contractors providing services as well as limited direct service from the BIA. In FY 1988 tribal contractors reported more than ten thousand inquiries for adult vocational training, but only 616 persons were approved and funded. An additional 319 persons were approved but not funded.

The same year, tribal contractors reported more than eighteen thousand inquiries about direct employment, but only

529 persons were approved and funded. An additional 69 persons were approved, but not funded.

In FY 1988, the BIA reports $3.7 million was targeted for employment assistance programs, $10 thousand more than FY 87. In its records for calendar year 1988, the BIA estimates "tribal enrollment" to be almost 84,000 persons, which includes a labor force of about 39 thousand of whom 15,649 persons were employed. Of the 23,789 persons not employed, BIA said 15,049 were actively seeking work.

CONCLUSION

In conclusion, we ask the United States Congress, with the leadership of this Committee, to help Alaska Natives achieve real changes in our current situation - to achieve a transformation in the attitudes, behaviors, norms, and institutions that structure our daily lives. We seek concrete changes that our people can see, and feel. And, in seeking these changes, we look to the Congress with hope and ask you to join us in a renewed partnership so that we all work together to address the crisis that afflicts our people. As we look forward to the future, we know that if Alaska Natives are to achieve our aspirations to maintain our distinct cultures, traditions and values, we cannot despair, nor believe we can muddle through these problems doing business as usual.

TESTIMONY OF GORDON PULLAR,

President, Kodiak Area Native Association, Inc., and

Chairman, Human Resources Board of the Alaska Federation of Natives

Hearing of the Senate Select Committee on Indian Affairs (Chairman Daniel Inouye), Friday, March 3, 1989 in Washington, D.C.

Mr. Chairman, Members of the Committee:

My name is Gordon Pullar and I serve as President of the Kodiak Area Native Association, as well as Chairman of the Human Resources Board of the Alaska Federation of Natives. I thank you for this opportunity to present testimony on the current status and problems of Alaska Native peoples, as delineated by AFN's recently published report. Since I am wearing two hats this morning, I will divide my remarks into those representing my own regional organization, KANA, and those presented on behalf of all the non-profit organizations which compose the AFN Human Resources Board.

First, on behalf of KANA, I would like to emphasize as strongly as I can the fact that the grim statistics we have heard here today are directly linked to the disintregration of traditional cultures. Cultural identity lies at the core of any person's sense of self-esteem. The kinds of social problems now devastating Alaska villages are the result of a diminished sense of individual self-worth and the loss of traditional values. Preserving Native American cultures encompasses much more than scientific or aesthetic goals. For us, it is nothing less than survival.

The debate over whether Native American cultures should be maintained as valuable ethnic resources within the larger national population or assimiliated into the American mainstream has long been an issue in government policy. Historically, public education systems have operated with assimilation as their ultimate goal. The result of this tragically misguided policy has been the systematic erosion of all Native American cultures. Little wonder, then, that our young people, who literally do not know who they are, destroy themselves in a climate of despair.

Recent studies argue that, in order to improve Native American school performance, there is a need to integrate students' cultural and values into the educational system. One professional observer has stated it clearly: "Achievement in school is highly related to self-concept... No matter how well a subject is taught, unless students develop self-esteem, they will not want to achieve and will most likely learn to dislike school...Self-esteem is not only the key to motivation; it is necessary to clear thinking and concentrated effort."

For Alaska Native children, the fact that their ancestral cultures are rarely mentioned in school robs them of something fundamental. If we are to begin to deal with the crushing human and fiscal cost of substance abuse, domestic violence, economic failure and epidemic suicide, we must begin with prevention. Even a modest investment in the education of young Native people about their own cultures, languages and histories will bring immediate returns in personal effectiveness and success during adolescence and adulthood.

We have been heartened by recent initiatives of Congress, such as S. 2912 (the Comprehensive Preservation Act) introduced by Senator Fowler; S. 187, introduced by Senator Melcher; and Senator Inouye's Museum of the American Indian bill and proposed amendments to the American Indian Religious Freedom Act.

Over the past century, Native Americans have watched government agencies assume the management and ownership of cultural resources, such as museum collections and archaeological sites. The time has come for Natives to assume the primary role in managing their own cultural resources, to run their own preservation and research systems and to maintain their own museums. Alaska Native villages and tribal organizations can provide cost-effective, efficient programs in their own areas. Most important, our children will have direct access to the achievements of their ancestors.

Finally, I call your attention to the extended debate among members of Congress, anthropologists, and the Native American community over the 18,500 skeletons of Native American people now held by the federal government at the Smithsonian Institution. Approximately 4,000 of these are from Alaska. We have no objection to legitimate scientific inquiry, but science does not constitute a license to desecrate what all peoples, the world over, regard as sacred. A decent respect for the dead and for the sensibilities of the living ought to be regarded as a human right, one which the United States has long denied to Native American peoples.

Mr. Chairman, I would now like to offer a few short remarks on behalf of the regional non-profit Native corporations which compose AFN's Human Resources Board. These are the organizations which are literally on the front line in dealing with many of the behavioral health problems described in the AFN report. They operate, on contract to the federal and state governments, millions of dollars worth of social, educational and health services and are Alaska's prime 638 contractors to the Bureau of Indian Affairs and the Indian Health Service. It is no exaggeration to say that an effective response to the present social crisis in bush Alaska will depend, to a large extent on the successful performance and adequate funding of these organizations.

With permission of the Chair, I will submit for the record a brief outline of all programs currently operated by five selected regions (Kawerak, Aleutian/Pribilof Islands Association, Bristol Bay Native Association, Kodiak Area Native Association and the North Pacific Rim). This list will provide the Committee and its staff with a thumbnail fiscal and programmatic sketch of just what it is that we do. In addition, I will submit a more extensive compilation of federal fundings for Alaska Natives recently published by Governor Cowper's office. This is as comprehensive a list of Native entitlement programs as we have seen and shows the reader just about everything which the United States has been putting into Alaska Native programs over the past few years. It does not include other types of programs which benefit Natives, as well as non-Natives, in their status as American citizens.

Finally, I will submit to the Committee a list of 20 program recommendations which various regional members of the Human Resources Board have forwarded to AFN. This is by no means an all-inclusive list and should be regarded only as a starting point in a campaign to raise the quality and quantity of Native services we operate. We have purposely not listed them in order of priority. Some, you will note, speak to the need for additional funding, which we all realize is extremely limited. But several recommendations speak to administrative or operational changes which would not cost anything and in the long-run may well reduce expenditure levels. We have purposely left out recommendations for reform or expansion of programs funded by the State of Alaska, since this Committee's attention obviously focuses on federal funds.

In closing, I want to reiterate that we regard these recommendations as a beginning. They are a few practical, specific ideas for changes which we think would benefit village people, and we would be delighted if action on some or all of them could form the beginning of the new partnership between the United States, the State of Alaska and the Native community which the AFN has proposed.

Thank you, Mr. Chairman, for this opportunity to testify and to submit written information. I will be happy to respond to any comments or questions which you or other members of the Committee may have.

KAWERAK, INC.

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
Adult Basic Education	State DOE	170,000	7/1/88-6/31/89	See attached description of Kawerak Programs, section 1.
	BIA ABE	89,421	10/1/88-9/31/89	" " "
Adult Vocational Training	BIA	115,790	10/1/88-9/31/89	See section 2.
Direct Employment	BIA	31,963	10/1/88-9/31/89	See section 2.
Higher Education	BIA	162,174	10/1/88-9/31/89	See section 2.
Child Abuse & Neglect Prevention	OHDS/DHHS	80,553	9/1/88-8/31/89	See section 3.
Eskimo Heritage Program	State Legislative Grant	5,000	7/1/88-6/31/89	See section 4.
" "	Private Donations	20,000		For the Yearly Elders Conference. This year it's scheduled for September 1989. See section 4.

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
Early Childhood Education	Fed. Headstart	314,408	10/1/88-9/31/89	See section 5.
" "	State Headstart match	86,641	7/1/88-6/31/89	See section 5.
" "	State Legislative Grant	197,400	7/1/88-6/31/89	See section 5.
Housing Improvement Program	BIA	200,000	10/1/88-9/31/89	See section 6.
Indian Child Welfare Act Program	BIA	55,000	9/16/88-9/15/89	See section 7.
Job Training Partnership Act Program	Title IV	215,472	7/1/88-6/31/89	See section 8.
	SYETP	85,364	5/1/89-9/31/89	See section 8.
Natural Resources	State of Alaska, Div. of Subsistence	69,400	7/1/88-6/31/89	See section 9.
Realty Services	BIA	151,546	10/1/88-9/31/89	See section 10.

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
Reindeer Herders Association	BIA	223,983	10/1/88- 9/31/89	See section 12.
Reindeer Inoculation Project	State DNR	46,800	7/1/88- 6/31/89	See section 12.
Social Services	State of Alaska	406,400	7/1/88- 6/31/89	See section 13.
Tribal Operations/Rights Protection	BIA	97,662	10/1/88- 9/31/89	See section 14.
Tribal Gov't Asst. Project	DHHS/Admin. for Native Americans	147,531		See section 15.
Village Public Safety Officer Program	State of Alaska Dept. of Public Safety	542,896	7/1/88- 6/31/89	See section 16.

Summary of Kawerak Programs
Fiscal Year 1989

1. Adult Basic Education - This program provides educational services to adults in seven of the Bering Straits Region villages and Nome. These services include Adult Basic Education classes, General Equivalency Diploma preparation and testing, Clerical Training, English as a Second Language/Citizenship classes, and Life Skills Assistance.

2. Adult Vocational Training/Direct Employment/Higher Education This department provides three areas of service. The Adult Vocational Training Component provides testing and vocational counseling to assist participants in making career choices and can provide financial assistance which enables individuals to attend full time institutional training, participate in a apprenticeship program, or receive on the job training. The Direct Employment Component can provide financial assistance to eligible residents to accept permanent, full time employment and provides career, vocational and financial counseling. The Higher Education Component provides college bound individuals with information on scholarships and provides financial assistance to eligible individuals.

3. Child Abuse & Neglect Prevention Project - Funded by the Office of Human Development Services Coordinated Discretionary Program for three years, this program seeks to reduce the incidence and severity of child abuse and neglect through the development of child welfare ordanances, through the development and presentation of culturally relevent educational materials, and through the reestablishment of community control on the local level.

4. Eskimo Heritage Program - The purpose of this program is to build cultural pride and awareness in the people of the Region in a way which will cause a revitalization, promote unity, trust and understanding. The program collects traditional knowledge (which would otherwise be lost) at the yearly Elders conference, translates and transcibes the data. The program also seeks to promote the traditional leaders, the Elders, into a leadership role through a yearly Elder's Conference.

5. Headstart/Early Childhood Development Program - Kawerak operates programs for pre-school children in Nome and six villages. The State of Alaska funds the Kawerak Village Early Childhood Programs and the Federal Government funds the Kawerak Head Start Programs. All programs seek to bring about a greater degree of social competence in three and four year old children by providing well-rounded, comprehensive, interdisciplinary home-based and center-based programs. 145 children will be served during the 1988/89 school year.

6. Housing Program - Kawerak receives a limited amount of funding from the Bureau of Indian Affairs to make repairs and construct new housing in the region for eligible residents. Elderly and handicapped individuals receive priority under this program.

7. Indian Child Welfare Act - During FY 1989, this program will provide training and support to Tribal Court Personnel in the adjudication of cases in Village Tribal Court Systems.

8. Job Training Partnership Act Program - This Department oversees such programs as Work Experience for students going to school, funds Community Service Employment and Classroom (Clerical) Training for adults, and operates a Summer Youth Employment Training Program for youth between the ages of 14 and 21.

9. Natural Resources - This department serves as a liaison between the region's subsistence users and the Federal and State regulatory agencies, seeks to protect subsistence interests, documents Native subsistence use patterns, and monitors the harvest of marine mammals in the region.

10. Realty Services - This program provides technical assistance and advice to Native residents of the Bering Straits Region in matters pertaining to Native allotments and Native townsite lands which may be either held in trust for them by the US Government or currently pending.

11. Regional Strategy - The goal of this program is to promote rational and orderly economic development and establish a regional planning process. Kawerak is summarizing regional strategy components developed to date, so they may be reviewed and adopted by the Bering Straits Regional Strategy and Kawerak Board of Directors and further implemented.

12. Reindeer Herders Association - This program, under the direction of 21 reindeer herders, seeks to develop the reindeer industry in Northwestern Alaska. Program staff are responsible for maintaining herd counts, being present during roundups, disseminating information on reindeer husbandry, marketing, and serving as a liaison between the various federal and state agencies and the herders. This program also works with the University of Alaska in testing the effectiveness of various vaccines on reindeer health.

13 Social Services - Under contract with the State of Alaska, and in close cooperation with the local Division of Family and Youth Services, this department is responsible for providing on-going casework and coordination of treatment for children and their families; managing placement of children into foster homes, counseling and providing case management services; conducting court ordered home studies

and arranging adoptions as necessary. This program also contracts to provide the Adult Protection Program. This involves conducting site investigations, making a determination as to whether an individual requires assistance or protection, and authorizing the assistance to be provided, if determined necessary.

14. Tribal Operations/Rights Protection - Contracted from the Bureau of Indian Affairs, this program provides technical assistance to tribal councils throughout the region to strengthen their self-government powers by developing their financial management and contracting abilities.

15. Tribal Government Assistance Project - Funded by the Administration for Native Americans for two years, this project seeks to strengthen the IRA and Traditional Council's abilities to actively exercise their governmental authority. At the end of FY 88, the Councils will have agreed upon their Tribal Boundaries and developed land use plans; they will have developed and implemented Tribal Justice Systems utilizing tribally approved codes and ordinances; and have a much greater understanding of tribal law and government issues.

16. Village Public Safety Officer Program - Kawerak contracts with the State of Alaska Department of Public Safety to administer the VPSO Program. The program has fifteen VPSO positions in the communities of the Bering Straits Region. Services provided include law enforcement, emergency medical services, fire protection and prevention, water safety, and search and rescue.

ALEUTIAN/PRIBILOF ISLANDS ASSOCIATION

NAME OF PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICE
Special Supplemental Food Program for Women, Infants & Children (WIC)	State of Alaska - DHSS	30,761	02/01/89 to 06/30/89	Provides nutritional assistance for women, infants & children
Job Training Partnership Act (JTPA)	Dept of Community Reg Affairs - Rural Division	47,414	02/01/89 to 06/30/89	Provides aid for vocational training programs
Vocational Boat Building & Repairs	State of Alaska - DOE	32.537	12/01/88 to 06/30/89	Vocational training
Substance Abuse Prevention	State of Alaska - DOE	23,814	10/30/88 to 06/30/89	Provides funds for education in prevention of abuse
Employment Assistance	Bureau of Indian Affairs (BIA)	150,394	10/01/88 to 09/30/89	Adult vocational education, on-the-job training and employment assistance
Higher Education	BIA	116,427	10/01/88 to 09/30/89	Promotes participation of regional students for four year degrees
Johnson O'Malley	BIA	15,057	10/01/88 to 09/30/89	Provides supplemental programs for youth grades K - 12
Social Services	BIA	22,585	10/01/88 to 09/30/89	Identifies beneficiary residents in need of assistance
Tribal Operations	BIA	112,288	10/01/88 to 09/30/89	To strengthen tribal operations through quality technical assistance
JTPA	Dept of Labor	46,410	07/01/88 to 06/30/89	Provides funding for community services employment, OJT, & classroom training
Tribal Management	Indian Health Services (IHS)	338,571	10/01/88 to 09/30/89	Provides funding for management of Health Department to ensure coordination and cooperation of health related activities

NAME OF PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICE
Alcoholism	IHS	214,373	10/01/88 to 09/30/89	Implementation of comprehensive alcohol awareness program
Community Health Aide	IHS	196,950	10/01/88 to 09/30/89	To assure the provision of quality health care in the region
Community Health Rep	IHS	147,349	10/01/88 to 09/30/89	Identification of people in need of mental, social & physical health care
Emergency Medical Services	IHS	60,953	10/01/88 to 09/30/89	Education of the general public in self-help, accident prevention, CPR, etc.
Public Health Service	IHS	57,836	10/01/88 to 09/30/89	Provides support personnel to provide health care
Low Income Home Energy Assistance Program	Dept of Health & Human Svcs	108,495	10/01/88 to 09/30/89	Provides energy subsidies for low income families
CHA Training & Supervision	State of Alaska	71,160	07/01/88 to 06/30/89	Provides funds to assure training for CHAs towards certification as Community Health Practitioner (CHP)
Adult Basic Education	State of Alaska	54,820	07/01/88 to 06/30/89	Provides adult basic education, GED preparation, etc.
Alcoholism	State of Alaska	83,900	07/01/88 to 06/30/89	Provides funding for development of a program for appropriate responses to alcohol-related problems
Community Mental Health Services	State of Alaska	183,400	07/01/88 to 06/30/89	Provides standard psychological evals, therapy, assertiveness training, family therapy, etc.
Southern Region Medical Services Council	State of Alaska	56,260	07/01/88 to 06/30/89	Provides further training for EMS personnel

AFN INFORMATION FOR INOUYE HEARING - CONTINUED

NAME OF PROGRAM OR SERVICES	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES
Village Public Safety Officer (VPSO)	State of Alaska	340,839	07/01/88 to 06/30/89	Provides public safety services
Self-Care	Kellogg	83,506	07/01/88 to 06/30/89	Provides funds for management of elderly people
City Grants	City of Unalaska	7,000		Provides funds to assist in operation of Mental Health Clinic
	TOTAL FUNDS	$2,603,099		

NOTE: Asterisk (*) denotes Indian money

BRISTOL BAY NATIVE ASSOCIATION

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BREIF DESCRIPTION OF SERVICES PROVIDED
Family Violence Provention Services *	U.S. Dept. HSS	15,937.00	10/1-9/30/89	Shelter services for victims of domestic violence.
Job Training Partnership Act *	U.S. Dept. of Labor	136,752.00	7/1/88-6/30/89	Training programs
JTPA-SUMMER YOUTH	U.S. Dept. of Labor	83,366.00	10/1/88-9/30/89	Youth Employment
Economic Development Admin. *	U.S. Dept. of Comm.	50,000.00		Economic Development Planning
Adult Vocational Training *	BIA	201,596.00	10/1/88-9/30/89	Vocational Training
Direct Employment *	BIA	11,748.00	10/1/88-9/30/89	Job Assistance
Higher Education *	BIA	378,527.00	10/1/88-9/30/89	College Scholarships
Indian Child Welfare *	U.S. Dept. of Interior	68,427.00	7/1/88-6/30/89	ICWA Services to Tribes
Realty *	BIA	296,416.00	10/1/88-9/30/89	Realty sercices to Allöttees
Community Services Block Grant*	U.S. Dept. HSS	28,986.00	10/1/88-9/30/89	Services to low income residents
Vocational Rehabilitation *	U.S. Dept. of Ed.	170,853.00	9/30/88-9/29/89	Services to Natives with disabilities
Tribal Operations *	BIA	314,000.00	10/1/88-9/30/89	Technical Assistence to Tribal Government
Adult Basic Education *	BIA	1,000.00	10/1/88-9/30/89	Adult Education
Social Services *	BIA	1,000.00	10/1/88-9/30/89	Social Services
nfant Learning Program	AK - DHSS	59,010.00	7/1/88-6/30/89	Services to Handicapped Infants (0-3)
Elderly Services	AK - OAC	214,312.00	7/1/88-6/30/89	Nutrition programs and services to Elders
Senior Employment Program	AK - OAC	33,182.00	7/1/88-6/30/89	Service jobs for Elders
Respite	AK - DHSS	14,300.00	7/1/88-6/30/89	Respite care for handicapped

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BREIF DESCRIPTION OF SERVICES PROVIDED
llage Public Safety Officer	AK. Dept. of Public Safety	644,308.00	7/1/88-9/30/89	Village Law Enforcement
sheries	Ak. Dept. of Comm.	60,000.00	7/1/88-9/30/89	Fisheries Conference and Assostence with loans

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
ospital & Referral	IHS	533,022.	10/88-09/89	Physician and emergency room and hospitalization costs for laboratory/radiology at Kodiak Island Hospital.
alth	IHS	290,614.	10/88-09/89	Health Care, Administration support for Kodiak and the Villages (include Health Committee development meetings).
AP	IHS	212,768.	10/88-09/89	Community Health Aide Staffing and Supervision-Kodiak and Villages
treach	IHS	199,071.	10/88-09/89	Prevention program and ETOH/Substance abuse/CHR/programs, Services-staffing
S	IHS	63,553.	10/88-09/89	Emergency Medical Services Training, Coordination
armacy	IHS	98,775.	10/88-09/89	Pharmacy services to Kodiak and villages
dical	IHS	196,788.	10/88-09/89	Direct Medical Clinic Services and support support in Kodiak and the villages
ntal	IHS	271,322.	10/88-09/89	Direct Dental Services to Kodiak and the villages
ntal Health	IHS	100,000.	10/88-09/89	Community based Mental Health programs thru self-esteem and local control/development activities
ing/North	AOA	38,000	04/88-03/89	Nutrition and supportive services program for seniors
A - Karluk River Study	DHHS-ANA	59,005.	05/88-04/89	Land use planned project for Karluk
A - Mariculture	DHHS-ANA	109,164.	05/88-04/89	Scallop culture program for economic development
mmunity Services ock Grant	DHHS	12,820.	10/88-09/89	Emergency services for shelter, food, loan or grant
teriological	IHS	4,865.	04/88-03/89	Bacteriological water testing monthly for villages to meet EPA/DEC guidelines
meless	DHHS	7,181.	10/88-09-89	Emergency shelter for homeless
ing/South	AOA	38,000.	04/88-09/89	Nutrition and supportive service program for seniors
dian Child Welfare	BIA	118,750.	09/88-09/89	Indian Child Welfare Act implementation, Director Counseling, support, high risk families
hnson O'Malley	BIA	63,200.	10/88-09/89	Supplemental education services for children ages 3-18, preschool, Career Ed, Physical Development

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
IA-Social Services	BIA	26,416	10/88-09/89	Counseling and referral-case management-Kodiak and Villages
IA-AVT	BIA	27,300.	10/88-09/89	Counseling and support services, funding for vocational services
IA-Higher Educatio	BIA	168,900.	10/88-09/89	Counseling and referral for Higher Education students, funding assistance
IA- Housing Improvements	BIA	-0-	10/88-09/89	Housing renovation for low income families
IA Tribal Operations	BIA	48,000.	10/88-09/89	Tribal operation development for village tribes
IA-Agriculture	BIA	14,605.	10/88-09/89	Agricultural development for Kodiak and villages. Promote gardening for self-sufficiency
IA-DE	BIA	24,200.	10/88-09/89	Direct Employment program to assist adults who are unemployed
ocational Rehab	DOE	220,000	10/88-09/89	Indian Vocational Rehabilitation project to promote employment and training of disabled adults
rug Free Schools	DOE	110,395	10/88-09/89	Village program for prevention, intervention and development of community teams to promote Drug Free Schools
rug Free Schools ub-Contract	DOE	35,000	10/88-09/89	Subcontract from Kodiak College - Staff Specialist position to build community teams to promote Drug Free Schools
TPA SYEP	DOL	40,329.	10/88-09/89	Summer Youth and Employment referral for low income people of region
TPA IV-A	DOL	98,228.	07/88-06/89	Job Training and Employment referral for low income people of region
DA	DOC	56,000.	01/88-12/89	Economic Development Planning Project
PSO	DPS	196,398.	07/88-06/89	Village Public Safety Officers for villages
ntinerant Health are	DHSS	78,100.	07/88-06/89	Itinerant and CHAP training to rural villages

NAME OR PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
CHAP Training	DHSS	78,460.	07/88-06/89	Training for village Community Health Aides
Alcoholism	DHSS	95,218.	07/88-06/89	Alcohol Outreach to villages-Prevention, education, referral, counseling
Infant Learning	DHSS	35,760	07/88-06/89	Early Intervention to developmentally delayed infants ages 0-3
Health Education/Risk	DHSS	20,000	07/88-06/89	Teen Pregnancy Prevention Project
WIC	DHSS	40,000.	07/88-06/89	Nutrition Education supplemental foods to women, infants, children of Kodiak Region
Cultural ADAQ'WY	DCRA	40,000	07/87-06/89	Cultural and Heritage Project
State OJTP	DCRA	4,998.	07/87-06/8	Elder employment program as Alcohol Outreach Prevention Specialist
SREMSC	SDHSS	32,450.	07/87-06/88	Emergency Medical Services, Training and Coordination for Kodiak and villages
CEDC	CEDC	20,000.	03/88-02/89	Business development for Mariculture Project in Akhiok
United Way Emergency Food	United Way	2,453.	10/88-09/89	Emergency food and shelter for low income families
D-Old Harbor	DHUD	280,000	10/86-12/88	Freezer project for economic development project

LEGEND

IHS - Indian Health Service
AOA - Administration of Aging
DHHS - Federal Department of Health & Human Services
DHSS - State Department of Health & Social Services
DCRA - State Department of Community & Regional Affairs
CEDC - Community Enterprise Development Corporation
DHUD - Federal Department of Housing & Urban Development
ANA - Administration for Native Americans
BIA - Bureau of Indian Affairs
DOE - Department of Education
DOL - Federal Department of Labor
DOC - Department of Commerce

DPS - Department of Public Safety

NORTH PACIFIC RIM, INC.

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NAME OF PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
EDUCATION AND TRAINING				Education services and job training.
Adult Vocational Training	BIA	51,800	FY 89	
Higher Education	BIA	38,900	"	
Johnson-O'Malley	BIA	18,400	"	
JTPA	DOL	84,609	"	
NATURAL RESOURCES				Development of land use plans, resource use and enhancement
Sea Otter Commission	R'ALCAP	6,000	FY 89	
Reg'l Resource Mgmt Comm	ANA	102,064	"	
Bureau Special Projects	BIA	55,266	"	
CSBG Support Funds	HHS	15,849	FY 88-89	
ECONOMIC DEVELOPMENT				Self-explanatory
Chenega Bay Econ. Develop.	ANA	100,000	FY 89	
Chenega Bay Jobs Bill	State	90,000	FY 88-89	
HOUSING IMPROVEMENT				Home Renovation/Repair
Housing Improvement Program	BIA	39,208	FY 89	
TRIBAL GOVERNMENT ASSISTANCE				T/TA, administrative support, adovcacy for Councils. (Core Management funds are exclusively tribal enrollment)
Aid to Tribal Governments	BIA	68,900	FY 89	
Small Tribes Core Mgmnt.	BIA	20,000	FY 88-89	
FAMILY AND COMMUNITY HEALTH SERVICES				Broad spectrum of programs/services
Community Health Reps	IHS	146,713	FY 89	
Community Health Services	IHS	201,953	"	
Fetal Alcohol Syndrom	IHS	47,000	"	
Equity Health Care	IHS	104,610	"	
Materinal & Child Health	IHS	126,405	"	
Contract Health Care	IHS	396,725	"	
Indian Alcohol Program	IHS	8,470		
Youth Substance Abuse	IHS	27,421		
Fet. Alcoh./Special Project	IHS	35,512	"	
CHA Supervisor	State	56,560		
Alcohol & Drug Addiction	State	28,600		

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NAME OF PROGRAM OR SERVICE	FUNDING SOURCE	$	FUNDING PERIOD	BRIEF DESCRIPTION OF SERVICES PROVIDED
FAMILY AND COMMUNITY HEALTH SERVICES -- Continued from previous page.				
Infant Learning Program	State	36,496	FY 89	
Family Violence	HHS	11,449	FY 88-89	
Homeless Assistance	HHS	5,486	FY 89	
Social Services	BIA	20,000	"	
Women/Infants/Children	State	31,045	"	
PUBLIC SAFETY AND EMERGENCY HEALTH				..Self-explanatory.
Emergency Medical Services	State	35,799	FY 89	
Vill. Public Safety Officers	State	136,139	"	
SEWARD CLINIC AND COMMUNITY HEALTH AIDE TRAINING				..Clinical services and statewide training program.
Seward Clinic Support	IHS	6,000	FY 89	
Contract Services	AK V/T	20,000	"	
CHAP Statewide training and curriculum development	Kellog Foundation	134,414	"	
ADMINISTRATIVE SUPPORT / HEALTH AND HUMAN SERVICES				..Self-explanatory
Tribal Management Funds	IHS	234,875	FY 89	

STATE OF ALASKA: OFFICE OF THE GOVERNOR

Major Native Entitlements FFY84 - FFY88
By Department and Program

DEPARTMENT	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF AGRICULTURE										
No Programs Specifically for Native Americans										
DEPARTMENT OF COMMERCE										
No Programs Specifically for Native Americans										
DEPARTMENT OF DEFENSE										
No Programs Specifically for Native Americans										
DEPARTMENT OF EDUCATION										
P.L. 81-874 Impact Aid Payments:										
Regular 874	25,881,026	17.9	30,514,896	4.8	31,973,874	6.2	33,965,079	7.6	36,546,605	41.2
Indian Lands 874	5,421,600	21.7	6,596,448	2.2	6,741,008	6.2	7,157,519	7.2	7,673,978	41.5
Special Ed Indians 874	3,670,298	(1.6)	3,612,965	21.3	4,383,612	6.5	4,668,128	9.7	5,119,355	39.5
Total P.L. 81-874:	34,972,924	16.4	40,724,309	5.8	43,098,494	6.2	45,790,726	7.8	49,339,938	41.1
Indian Education Act, Title IV:										
Part A - Formula Grants	6,585,634	3.2	6,797,853	8.4	7,367,056	(12.0)	6,484,318	0.0	6,484,318	(1.5)
Part B - Special Project Grants	133,848	336.6	584,331	(27.3)	424,709	(11.2)	377,339	0.0	377,339	181.9
Part C - Adult Indian Ed Grants	307,203	(77.9)	67,760	(100.0)	0	0.0	0	0.0	0	(100.0)
Total Indian Education Act:	7,026,685	6.0	7,449,944	4.6	7,791,765	(11.9)	6,861,657	0.0	6,861,657	(2.3)
TOTAL EDUCATION:	41,999,609	14.7	48,174,253	5.6	50,890,259	3.5	52,652,383	6.7	56,201,595	33.8

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF ENERGY										
No Programs Specifically for Alaska Natives										
DEPARTMENT OF HEALTH AND HUMAN SERVICES										
PUBLIC HEALTH SERVICE										
Indian Health Service - Alaska Area Native Health Service (AANHS)										
Operating Costs:										
Clinical Service:										
Hospitals & Clinics	71,570,100	1.7	72,768,700	4.2	75,819,688	9.4	82,973,300	2.8	85,277,800	19.2
Dental	2,951,500	4.8	3,094,000	4.9	3,247,000	(2.4)	3,169,700	8.5	3,439,500	16.5
Mental Health	778,000	14.4	890,000	10.5	983,300	(12.0)	865,500	44.5	1,250,700	60.8
Alcoholism	1,388,000	4.2	1,445,900	4.1	1,505,644	22.1	1,838,300	(3.4)	1,776,200	28.0
Maintenance & Repair	6,243,700	(58.9)	2,566,000	(5.1)	2,435,100	7.5	2,617,364	20.8	3,163,000	(49.3)
Earned Reimbursements	1,744,100	21.1	2,111,900	(23.7)	1,611,800	(9.6)	1,456,500	0.0	1,456,500	(16.5)
Contract Health Care	19,298,000	2.0	19,677,000	1.9	20,047,000	0.8	20,212,000	5.3	21,293,000	10.3
Equity Health Care	498,000	(100.0)	0		0		0		0	(100.0)
Preventative Health:										
Sanitation	3,956,400	4.9	4,151,000	(6.1)	3,896,000	2.4	3,990,000	(9.2)	3,623,000	(8.4)
Public Health Nursing	736,000	(13.4)	637,700	(58.1)	266,904	15.4	308,000	18.1	363,700	(50.6)
Health Education	255,000	1.6	259,000	76.8	458,000	(40.6)	272,000	67.6	455,800	78.7
Community Health Reps	1,772,000	(0.9)	1,756,000	(0.2)	1,752,700	0.0	1,753,500	10.0	1,929,100	8.9
Immunization	1,000,000	254.8	3,548,400	(28.7)	2,602,674	(84.8)	395,000	0.0	395,000	(60.5)
Indian Health Manpower	9,000	255.6	32,000	(60.9)	12,500	524.0	78,000	91.0	149,000	1,555.6
Tribal Management	375,000	2.1	383,000	(24.3)	290,000	1.6	294,700	(5.0)	280,000	(25.3)
Management/Operations	7,371,700	(1.8)	7,239,000	(7.6)	6,687,800	(59.0)	2,744,900	(3.6)	2,647,300	(64.1)
Total Operating Appropriated:	119,944,500	0.5	120,559,600	0.9	121,616,110	1.1	122,968,764	3.7	127,499,600	6.3
Other Reimbursements:										
Medicare	1,884,132	33.2	2,509,210	51.9	3,810,477	(9.3)	3,455,045		3,455,046	83.4
Medicaid	3,597,778	(62.9)	1,334,892	156.6	3,425,213	65.6	5,670,977		5,670,977	57.6
Catastrophic Illness Fund	0		0		0		892,574		892,574	
Quarters Collection	0		0		0		725,124		725,124	
Operating Total Available:	125,426,410	(0.8)	124,403,702	3.6	128,851,800	3.8	133,712,485	3.4	138,243,321	10.2

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
(AANHS, cont.)										
Capital Projects:										
Anchorage Hospital Replacement	0		350,000		(231,625)		231,625		11,150,000	
Kanakanak Hospital Replacement	0		13,915,815		1,704,000		0		0	
Kotzebue Replacement	0		0		60,000		1,958,060		0	
Kanakanak Headquarters	0		0		0		640,000		3,112,800	
Mt. Edgecumbe Maint & Repairs	0		0		0		2,200,000		386,000	
Bethel Quarters	0		0		497,000		0		0	
Kotzebue Quarters	0		0		0		0		652,000	
Barrow Quarters	0		0		0		0		750,000	
Capital Projects Total:	0		14,265,815		2,029,375		5,029,685		16,050,800	
TOTAL AANHS	125,426,410	10.6	138,669,517	(5.6)	130,881,175	6.0	138,742,170	11.2	154,294,121	23.0
OFFICE OF HUMAN DEVELOPMENT SERVICES (OHDS)										
Administration for Children, Youth and Families:										
Headstart Program	1,685,254	14.2	1,924,615	4.4	2,009,664	(6.2)	1,885,753	5.5	1,990,345	18.1
Child Welfare Services for Natives	65,000		65,000		65,000		65,000		65,000	
Child Welfare Training for Natives	0		50,000		50,000		50,000		50,000	
Administration for Native Americans:										
Grants	601,925	84.2	1,108,889	26.8	1,406,015	52.1	2,138,171	(28.3)	1,532,824	154.7
Administration on Aging:										
Title VI Grants for Natives	76,384	89.0	144,344	(6.7)	134,667	12.0	150,843	3.5	156,110	104.4
Title IV Grants for Natives			40,000							
TOTAL OHDS	2,428,563	37.2	3,332,848	10.0	3,665,346	17.0	4,289,767	(11.6)	3,794,279	56.2
BLOCK GRANT PROGRAMS										
No Programs Specifically for Native Americans										
TOTAL HEALTH & HUMAN SERVICES	127,854,973	11.1	142,002,165	(5.2)	134,546,521	6.3	143,031,937	10.5	158,088,400	23.6
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT										
Community Development Block Grants	5,167,000	(44.2)	2,885,000	(5.6)	2,722,000	0.1	2,725,000	(5.3)	2,580,000	(50.1)
Indian Housing Prog Loan Authority	18,271,000	118.4	39,910,229	(30.0)	27,928,718	4.2	29,106,591	(23.0)	22,397,781	22.6
TOTAL HOUSING & URBAN DEVELOPMENT	23,438,000	82.6	42,795,229	(28.4)	30,650,718	3.8	31,830,591	(21.6)	24,977,781	6.6

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF THE INTERIOR										
BUREAU OF INDIAN AFFAIRS										
School Operations *	3,677,050	(23.7)	2,806,318	(100.0)	0		0		0	
Johnson O'Malley *	5,909,844	10.3	6,521,130	(5.9)	6,133,400	(9.9)	5,523,800	(17.5)	4,555,200	(22.9)
Scholarships	2,591,800	28.4	3,328,500	(6.1)	3,123,600	6.6	3,331,300	(7.0)	3,098,600	19.6
Adult Education	307,800	18.5	364,700	4.2	380,100	31.7	500,600	(62.0)	190,300	(38.1)
Special Education	1,751,672	(55.4)	780,452	(100.0)	0	'	0	0.0	0	(100.0)
Education & Training *	1,043,000	(35.9)	669,000	(35.7)	429,856	(4.6)	410,220	1.5	416,200	(60.1)
Aid to Tribal Governments	1,408,900	23.5	1,740,000	13.4	1,973,000	4.8	2,066,961	(12.8)	1,801,400	27.9
Social Services	2,518,800	4.7	2,636,800	4.7	2,760,708	(15.9)	2,321,880	(17.0)	1,926,329	(23.5)
Housing *	2,800,400	16.9	3,275,000	9.1	3,571,728	(18.7)	2,902,999	(6.5)	2,713,900	(3.1)
Substance Abuse Prevention *	0		0		0		311,600	(100.0)	0	
Self-Determination	7,482,115	(40.9)	4,418,700	(7.5)	4,088,181	(11.8)	3,605,126	(24.3)	2,727,700	(63.5)
Commercial Enterprise *	0		0		465,000	12.2	521,855	(42.5)	300,000	
Credit & Financing	219,800	25.3	275,400	56.5	431,100	0.2	431,800	38.8	599,200	172.6
Employment Assistance	3,238,600	23.5	4,000,500	(11.7)	3,530,900	6.3	3,754,690	0.2	3,764,000	16.2
Roads Construction *	3,061,700	(1.6)	3,012,000	22.1	3,679,000	(21.9)	2,871,590	(22.0)	2,240,200	(26.8)
Roads Maintenance *	52,700	34.7	71,000	100.8	142,600	5.1	149,900	(53.7)	69,400	31.7
Trust Services General	113,700	2.2	116,200	(2.1)	113,800	110.2	239,261	19.4	285,600	151.2
Rights Protection	4,419,100	3.2	4,558,600	0.3	4,571,700	2.9	4,703,867	(16.6)	3,924,700	(11.2)
Real Estate Services	1,433,300	13.9	1,632,400	16.9	1,908,200	(3.5)	1,841,469	38.8	2,556,000	78.3
Trust Services Financial	35,300	(0.8)	35,000	(16.9)	29,100	7.6	31,300	1.6	31,800	(9.9)
Natural Resources General	181,700	12.1	203,600	47.6	300,500	(13.6)	259,500	30.2	338,800	87.3
Agriculture	810,900	19.4	968,400	(16.4)	809,300	5.4	853,000	(18.2)	697,900	(13.9)
Forestry	612,000	65.0	1,009,800	(2.9)	981,000	(0.2)	978,906	10.6	1,082,900	76.9
Minerals & Mining	73,300	(6.4)	68,600	(0.6)	68,200	26.0	85,900	(18.7)	69,800	(4.8)
Water Resources	47,400	(7.0)	44,100	(10.0)	39,700	12.6	44,700	(34.2)	29,400	(38.0)
Wildlife & Parks	408,800	37.2	560,800	(14.1)	481,700	13.0	544,415	(11.8)	480,100	17.4
Executive Direction	628,300	(7.3)	582,300	11.9	651,600	(2.0)	638,846	(0.9)	633,000	0.7
Administrative Services	2,154,400	(9.0)	1,959,800	(7.4)	1,814,100	10.7	2,008,892	(1.7)	1,974,066	(8.4)
Facilities Management *	6,071,200	(41.5)	3,553,000	(75.7)	864,200	1.1	874,000	(48.5)	450,000	(92.6)
P.L. 93-638 Contract Support *									3,372,000	
Metlakatla Support	1,238,424	27.1	1,574,488	(5.0)	1,495,865	(8.1)	1,374,816	(2.9)	1,334,553	7.8
TOTAL INTERIOR	54,291,405	(6.5)	50,763,486	(11.7)	44,838,136	(3.7)	43,182,995	(3.5)	41,582,748	(23.2)

DEPARTMENT OF JUSTICE

No Programs Specifically for Native Americans

Table 1, cont.

	FFY84	Change Between Years (Percent)	FFY85	Change Between Years (Percent)	FFY86	Change Between Years (Percent)	FFY87	Change Between Years (Percent)	FFY88	Change Between FFY84-FFY88 (Percent)
DEPARTMENT OF LABOR										
Job Training Partnership Act:										
Regular - Title IV-A	2,738,872	(8.6)	2,504,678	(11.3)	2,221,187	3.2	2,292,588	(2.9)	2,226,351	(18.7)
Summer Youth - Title II-B	1,621,332	(10.7)	1,448,120	(10.0)	1,302,888	0.8	1,313,144	(0.9)	1,300,889	(19.8)
TOTAL LABOR	4,360,204	(9.3)	3,952,798	(10.8)	3,524,075	2.3	3,605,732	(2.2)	3,527,240	(19.1)
DEPARTMENT OF STATE										
No Programs Specifically for Native Americans										
DEPARTMENT OF TRANSPORTATION										
No Programs Specifically for Native Americans										
DEPARTMENT OF THE TREASURY										
No Programs Specifically for Native Americans										
TOTAL ALL DEPARTMENTS:	251,944,191	14.2	287,657,930	(8.1)	264,449,709	3.7	274,303,636	3.7	284,477,744	12.9
EXCLUDING AANHS CAPITAL COSTS:	251,944,191	8.5	273,422,118	(4.0)	262,420,334	2.6	269,273,963	(0.3)	268,426,944	6.5

Source: Division of Policy, Office of the Governor. 10/14/88.

HRB RECOMMENDATIONS

1. Native regional non-profit organizations need an annual funding base for economic and natural resource development from the federal and/or state governments. This should concentrate primarily on development of local fisheries, mariculture, tourism and production of arts and crafts and local specialty goods.

2. Virtually every Native village in Alaska desires expansion of pre-school and early childhood education programs (center-based or home-based), whether funded through Head Start, Johnson O'Malley or other federal and/or state programs. Every age-eligible and income-eligible Native child in Alaska, urban and rural, should have access to a comprehensive, multi-service child development program, including cognitive learning skills, social development, family social services, medical and dental screenings and care, nutrition and active parent involvement in program and adminstration.

3. Existing Johnson-O'Malley funds should, at the least, be maintained at current levels and, preferably, increased. If funding continues to be cut, current programs for public school populations will have to be reduced or discontinued. JOM is one of very few

programs which provide Native adults (employees and parents) real access to public school curricula and operations impacting their own children.

4. Reform of program regulations governing applications and operation of JTPA programs should be mandated by the Congress in order to enable program operators to serve individuals most in need. We suggest that a minimum annual funding base be awarded as a block grant to each qualified grantee, with current regulations and performance standards being applied only to additional funds above the base amount.

5. Additional annual funding for contract health care services delivered by regional non-profits is sorely needed. In several recent years, funds have been exhausted before year-end, resulting in lapses of service, pharmaceutical care and emergency response capability.

6. Funding is needed for village-based and regional delivery of special services for Native elderly.

7. Increased funds are necessary to pay costs of administering tribal programs and governmental offices in the villages. Current BIA 104-A grants are insufficient, and those villages located within borough

boundaries in Alaska are not eligible to receive State revenue sharing funds. Changes in State law should be adopted to permit those tribal governments within boroughs to receive State revenue sharing for the administration of tribal offices. Failing this, the federal government should provide, through the BIA, for adequate operation of tribal offices.

8. The full weight of the Congress and the Department of the Interior should be committed to assist the State of Alaska to understand that the term "Native village" or "tribe" is a political distinction, not an unconstitutional racial discrimination, and that the assertion of self-governing powers by such organizations is not inconsistent with democratic institutions and processes.

9. The Department of the Interior should recognize and publish the fact that the more than 200 Native villages in Alaska are, in fact, tribes, and enjoying a government-to-government relationship with the United States. This step should be taken in recognition of the fact that the wholesale deterioration of local authority and responsibility in the hands of Native people is one of the fundamental causes of the current epidemic of personal, family and community dysfunction. Revitalization of tribal governments is a critical pre-

requisite to reducing the social problems described at length in the AFN report.

10. The Congress should take immediate steps to stop federal bureaucracies from implementing Congressional statutes which affect the rights of Alaska Natives in ways that are not only deterimental to Natives but violate the intent of Congress. One example, among many, would be to prevent the U.S. Fish and Wildlife Service from implementing Marine Mammal Protection Act regulations which prohibit the development of cottage industries using sea otters, effectively denying potential economic development for rural communities by actions which are not necessary for sound biological management. There are many other examples of bureaucratic indifference or opposition to Native subsistence practices and land rights which have the cumulative effect of dismantling the Congress' original intent to protect such rights.

11. The Congress should increase BIA funding levels, either under Tribal Programs or ANILCA implementation, in support of the Eskimo Walrus Commission.

12. The Congress should conduct a thorough reform of the annual budget of the Bureau of Indian Affairs in Alaska and should: A) increase accountability for the expenditure of all funds, B) reduce overhead costs and

unneeded personnel in the Juneau Area Office and Alaska agencies, C) transfer funds which are thus freed-up to contract services at local and regional levels; D) require the BIA (and other federal agencies as well) to notify contractors of all funds which are available, or potentially available, for contracting.

13. The Congress should require the Secretary of the Interior to take immediate action to expedite implementation of the Native allotment program, removing intentional and unintentional bureaucratic delays and directing responsible agencies to expedite final decisions on all pending allotments within the next five years.

14. The Congress should appropriate increased funding and require new, innovative housing programs in rural Alaska.

15. The Congress should require a thorough analysis of current federal programs in mental health, suicide prevention, family and child social services, youth services and alcohol abuse counseling in rural Alaskan villages. It should address the currently inadequate levels of service by making increased appropriations through the Indian Health Service for community-based mental health programs, self-care and coping skills,

family counseling, long-term prevention, short-term crisis intervention and sobriety maintenance, supported by in-patient services available outside the village.

16. The Congress should require an evaluation of the current water/sewer/waste disposal systems in village Alaska which have been built by the Indian Health Service and should provide adequate funds for upgrading such systems to levels at which public health will not be endangered.

17. Federal funds for Adult Basic Education, in support of State funding, should be increased to address continuing high levels of illiteracy and lack of basic educational skills in adult populations which have either graduated from inadequate high school programs or have never completed high school.

18. Federal and state economic development programs - which encourage large-scale projects and require significant capital investment, and which encourage elaborate paper planning exercises - should be replaced with development of feasible small industries in villages to enable Native people to combine cash and subsistence lifestyles.

19. Federal and state governments should provide adequate levels of training and technical assistance to assist

local communities (both private enterprise and government institutions) to perform basic functions of management, finance, investment, personnel administration and planning.

20. Federal funds in support of the Indian Child Welfare Act should be contracted on a non-competitive, multi-year basis, rather than by current annual grant application procedures.

STATEMENT OF
John Pingayak
Chevak Company Corporation
before the Senate Select Committee on Indian Affairs
March 3, 1989

I would like to thank the Senate Select Committee for allowing me to present these comments today concerning Alaska Native concerns.

My name is John Pingayak; I live in Chevak, Alaska. Chevak is a native village on the Bering Sea Coast in Southwestern Alaska. It is located in the Calista Region and with 583 residents it is the fourth largest village among the 56 Calista villages. I want to thank you for having visited Chevak last summer and get a first hand look at the conditions in my village. As I understand it, part of the reason of the hearing is because of your visits to Chevak and the villages in our region.

I am a teacher, and Control Heritage Director at the Kashunamiut School District, and I am the Chairman of the Board of Chevak Company Corporation. Chevak Company Corporation is the profit oriented village corporation incorporated as a result of The Alaska Native Claims Settlement Act (ANCSA). I am also on Advisory Council on Bilingual and Biculture Education for State of Alaska.

Recently the Alaska Federation of Natives published a document entitled, The AFN Report on the Status of Alaska Natives: A Call for Action. This report documents some of the social and heath problems paralyzing the Alaska Native communities. I can attest to the accuracy of the facts and problems portrayed within the

Calista Region. Although I support many of the findings and conclusions of the report I cannot support one of the most basic conclusions of the AFN Report.

Alcoholism is indeed crippling the Calista Region and is a problem much out of control within my own community of Chevak. This aspect of the report I am in total agreement with. There is a definite correlation between alcoholism or alcohol abuse and/or substance abuse and the numerous health and social problems experienced in our region of the state. Rates of suicide, murder, sexual assault, child abuse, accidental injury and death, etc., are all at their highest in the Calista Region. Individuals involved in a large majority of these incidents are under the influence of alcohol at the time of the incidents.

Consequently the problem of alcoholism and alcohol abuse should be addressed as suggested by AFN. Where I disagree with the AFN report however is in it's conclusion that alcoholism is the culprit behind many of Alaska Native problems. It is not the problem, it is only one of the symptoms of the problem.

There is little meaningful employment in the village of the Calista Region. In fact there is no employment for 65% of the residents of most villages and in some villages unemployment reaches as high as 80-90%. In this respect, as in many other respects, the Calista Region suffers greater than any other region in the state.

It is no accident that the AFN report relies so heavily on specific conditions in Calista villages to document the suffering of Alaska Natives. It is no coincidence either that most reports complies to document external health, social, and economic conditions in Alaska's Native villages use specific examples of problems in Calista village to document their findings. The Calista Region is by far the most severely depressed region and group of people in the State of Alaska.

The lack of employment opportunities in the villages start a tragic chain of events. Boredom, anxiety, a feeling of helplessness, lack of self-esteem, little hope for future prospects, social displacement or loss of social status and position are all characteristics of residents, especially the among young, resulting from the lack of employment.

The boredom is compounded by the changes that have taken place in subsistence opportunities. Subsistence opportunities are much more limited with the competition of commercial and recreational users. What resources remain are easier to collect with the advent of modern conveniences, i.e., guns, boat motors, nylon nets, snowmobiles, oil stoves, etc. This results in more time on peoples hands. This is especially true with young males who have traditionally played a key role in the collection or gathering end of the subsistence economy. This problem also contributes to the loss of social status for young Native males. Employment is the natural replacement for the void created in the subsistence cycle. Since there are no jobs however there is no replacement for the void.

Suicide for young native males has been reported to be 22 times higher than the national average. It is often associated with alcoholism. Alcohol may play a part in the suicides but is is not the reason behind the suicides. The reasons stated above provide the incentive for the suicides, violent acts etc. The social displacement and lack of useful purpose in the community, that could easily be filled by meaningful employment, are much closer to the root of the social problems in the region. Meaningful employment opportunities are absolutely necessary to end these problems. Continued social programs and material improvements introduced to the villages may provide temporary relief. As long as the villages are left out of the states economy no permanent resolution of this problem is possible.

I am incorporating into my testimony, by reference, a document entitled The Calista Region: A Gentle People, A Harsh Life. This document was prepared by the Calista Corporation Land and Natural Resources Department and Village Management Services, a Calista subsidiary. The document identifies numerous health, social and economic problems experienced by the natives in the Calista Region. It also provides a comparison of the problem in the Calista villages with those experienced by other regions of the state.

The document demonstrates that no other area within the State of Alaska experiences problems a great as the Calista region in the area of health, social and economic conditions. Instead of a location in the United States this document could easily be describing a third world nation. No third world nation, in fact, experiences the same per capita level of infections of several diseases as those experienced in the Calista region.

After reading this document one must agree that economic issues are an integral part of the health and social problems of the Calista region. The region has the highest unemployment levels and the lowest per capita income in the state. Because of the interrelationships between these economic issues and the social and health problems, as described in the attached document, it is absolutely necessary for this committee to address the jobs situation if there is to be any real long term beneficial change in native villages.

I would like to include, by reference the recommendations found on page 142 of the Calista document. Additionally, I would like to list specifically below those changes that I think would be most helpful to the residents of Chevak and I believe they would likewise be beneficial for every native village in the Calista Region.

Self-determination has been a catchy phase in the Native American community for the past 15 years. Although it is an attractive concept it has not been totally successful. Although our community has taken control of the school district and although the Chevak community has been successful in reviving much of the culture lost to it over the past 20-30 years we do not have control of our economy. Geographic and climatic conditions beyond our control have dictated that our local economy will remain quite limited without outside assistance.

Although the following recommendations are being made to assist the community of Chevak they are broad reaching and their implementation would also provided a avenue for assistance to residents of other native villages.

1. **Land:**

In addition to logistic problems that prevent our using our land for the purposes of development and creating jobs we have several statutory and regulatory restrictions that prevent their use. Although Chevak Company, Corp., was entitled to roughly 140,000 acres of land entitlement pursuant to ANCSA we were entitled to select only 69,120 of those acres near the village. Additionally, restrictions were placed on the development of those acreage by Section 22(g) of the Act. The USFWS requires us to manage those private lands as refuges. We recently attempted to use some of those lands in an exchange for federal lands elsewhere. Although our lands are dear to our people we desperately need economic development opportunities. Since we are prohibited from using our own lands we must exchange them for lands that will provide economic returns and create job opportunities. To add insult to injury, the USFWS subtracted a 22(g) discount from that transaction. The United States Government, at the insistence of the State of Alaska, national environment groups, GAO and the DOI; claims that we do not have full control of the property and consequently it must subtract that control or value that we don't have from what would otherwise be the full value of that land. The DOI subtracted a 22(g) discount value from our land in that agreement.

The very first preamble of ANCSA states in part that

"Congress finds and declares that -- a) there is an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska..." Is the practice of discounting the value of our lands based on 22(g) fair and just? I think not. I hope that you, Senator Inouye, as one of the original _______ of ANCSA agree with me.

Our village corporation was required to select the remaining 70,000 acres quite some distance from the community, in much less valuable areas. These "in-lieu" acres also have little development value because of there distance from the community. If we use these lands in future exchanges the DOI is constrained to give us value for value. The location of these lands not only provide little useful purpose to our shareholders: it also means that DOI will evaluate them as having low value in an exchange. If we use those lands in an exchange we will lose what would have a otherwise been our original value. This is due to the fact that the parcels that we were required to select are remote and inaccessible and because the in-lieu lands that we were forced into selecting are of much less value than the lands that we were prevented from selecting due to the 69,120 acre selection limitation.

Recommendation:

Section 22(g) should be repealed for the alternative section 22(g) should be clarified to give the 22(g) villages a right to some economic development of their lands. Congress should, in any case, make it clear that 22(g) cannot in the future be used to devalue Native lands in future exchanges or acquisitions with federal agencies.

In future federal exchanges or acquisitions of "in-lieu" lands, the federal agencies should be required to place the same value as those 22(g) lands that were acquired around the villages. These lands were afer all "in-lieu" of entitlement they should have been able to select near the village.

It should be clarified by congress that the 69,120 acre selection restriction and the 22(g) restrictions were designed only to protect refuges; not to cheat Native Corporation out of value in subsequent land aquistion attempts by the United States government agencies.

2. Development:

I would like to recommend, by reference, recommendation #3 on page 142 of, The Calista Region: A Gentle People, A Harsh Life.

Rational:

The creation of jobs is essential for the recovery of the region. We need assistance in creating these jobs. Industry of any type will not come to the villages unless it can be competitive. Without economic incentives/assistance, most industries cannot create a competitive product. The bottom line is: if there is no industry in the village then there are no jobs in the village.

Without improved economic and job opportunities there can be no long term improvement in the area of social problems. This can be demonstrated better by taking one problem as an example. It is possible to make a major effort to alter the alcohol abuse in the village of Chevak. Programs can be expanded; individuals self-esteem can be raised; alcohol abuse can be managed. This will only be a temporary relief though. As soon as these individuals realize that there is no hope of getting a job and that nothing has really changed they will slowly return to the same patterns of alcohol abuse. This same pattern will most likely reoccur with other social problems as well. Jobs will not cure all of Chevak's problems. They will make the problems we have manageable however.

3. Native/local hiring:

As I have stated above, I believe that employment is the answer to a lot of Chevak's social as well as economic problems. Jobs are necessary for change but few jobs currently exist in Chevak. The ironic part of this problem is that jobs do come into the villages through state and occasionally federal capital projects. These jobs often go to non-natives from Alaska's urban centers.

There is no state provision for Native hire on there jobs and with the exception of IHS projects these is no provision for native hire on federal projects in rural Native villages.

Additionally, the state's Davis-Bacon Act prevents much local hire. This process is described will on page 144 of the attached Calista documents.

Recommendation:

Projects in the village, especially those designed to assist the inhabitants of the village, using federal dollars should have Native hiring provisions. In an area as depressed as Chevak this labor should not be going to imported laborers. If FAA, the Corp of Engineers or any other federal agency cannot legally do that, then the implementation of all projects should be turned over to IHS since they can legally use Native hire preferences.

State projects using federal funds should be required to use Native hire in rural Native villages. If 50/50 matching funds are used then there should be a Native hire requirement of at least 50%. In the case of airport construction where 95% of the funds for construction are federal, then 95% of the jobs should be open to Native hire.

Furthermore, new housing projects in the villages funded by federal monies should require the homes to be built in the communities rather than refabricated. All of the new houses in Chevak and other Calista villages are prefabricated and shipped to the village. The only jobs this provides in the village are those necessary for placement. Home construction in our village would provide numerous labor opportunities.

4. Employment export:

Most major resource development projects in the State of Alaska use rotating labor pools. Simply stated two crews are hired to do the same job. While one crew works for a 2 week period the other rests and vice versa. These projects are jobs that Native residents are ideally suited for. Furthermore the work schedule is adaptable to a subsistence economy. An individual on a two week rest period can hunt, fish, gather wood, etc. and then in the following two weeks he can be gainfully employed at a meaningful and rewarding job.

Some, not all, of the major resource development occurs on federal lands in Alaska. If a certain percentage of Native hire were required on resource development projects on federal lands, many villager that have no employment opportunities in their villages could become gainfully employed and could at the same time contribute to the community and remain an active member of that community.

Recommendation:

Congress should require some level of Native hire of applicants for resource development projects on federally controlled lands in Alaska. Let me point out that some precedent does exist for preferential hiring provisions on federal lands. During the Prudoe Bay development and primarily during the TAP's pipeline from Deadhorse to Valdez congress imposed union labor agreements on the developing companies. Similar requirements for Native hire would provide many opportunities for Native villagers.

5. Land Exchanges/ANWR:

There is an issue before Congress that would provide Chevak with an immediate economic activity. The Chevak Company Corporation is a partner in the Native Lands Group (NLG). The NLG attempted to exchange native lands for limited oil and gas exploration and drilling rights in the Arctic National Wildlife Ronge (ANWR). Additionally, the Chevak Company Corp., is in negotiations with the Yupik Exchange Partnership (Y.E.P.) to be a partner in that partnership. The YEP is attempting to exchange water fowl habitat lands owned by villages in the Calista region for limited exploration and drilling rights in the ANWR.

This is desperately needed by the Chevak community because of the severe shortage of employment opportunities. By controlling lands that have immediate development potential the partnerships can dictate to Native shareholders hire provisions their respective oil industry partners. Our agreements with the oil companies would provide us with some immediate cash payments which are desperately needed as well. Our agreement would also provide us with future royalties necessary to the corporation to continue providing benefits within the community of Chevak.

Although the land is sacred to our shareholders we must do what we can with the land to assist our community in its health and welfare.

We recognize that there are many who oppose the land exchange each for their own reasons.

A) Environmental Groups are afraid that the exchanges will provide support or incentive for the opening of the ANWR to oil and gas leasing. They would prefer the area to remain wilderness.

B) The State of Alaska is opposed because any lands exchanged to Natives would reduce the states distribution of funds that they have come to expect on federal lands within the state. The state currently enjoys a 90/10 split of all revenues derived on federal lands in Alaska. On lands exchanged to Natives they would not be entitled to that sharing.

3. The GAO believes that it is impossible to put a value on the ANWR lands and would prefer to see the U.S. maintain its royalty in the ANWR in the event ANWR is another Prudoe Bay. Even though ANCSA specifically calls for a value for value exchange GAO is doubtful that one can put a present value on these lands. They prefer a purchase, as does the State of Alaska, of the Native lands offered for exchange,

Recommendation:

We do not prefer acquisition by purchase over exchange although we would like to see an acquisition occur. Exchanges would provide both long term and immediate benefits. Purchase of our land would provide only immediate benefits and would do little to improve job opportunities for Chevaks residents.

While it is true that the state would spend some of the 90/10 revenue sharing they received in the Calista village its impact will be negligible. The states past track record for providing anything other than capital improvements and social programs is something less that desirable. I have already pointed out that state capital projects result in very few jobs in the villages even when labor is necessary on state projects. Most of that labor is imported. Statewide only 4.2% of the state work force is Native. Few of those positons are in our region. The lowest state per capital spending is in the Calista region. There are no meaningful state economic development assistance programs easily applicable to rural villagers. The state has provided very little opportunity for our shareholders either in the village or outside the village. I don't believe there are any state plans to change this. Based on past and present performances, the residents of Chevak cannot depend on the state to change it ways.

Without a contractual obligation to do so, I don't believe the oil companies involved in ANWR will give our shareholders employment in its development. Without an exchange that would give us the control of the land that we need to get contractual commitments, our shareholders will not get any employment from this development. Again, I would like to use past performances in this area to prove my point. During the Prudoe Bay and Pipeline experience, one Chevak resident and very few Calista region residents worked on this project. Although that was the single largest project in the State of Alaska, with perhaps the exception of World War II, Native hire was not sought. The Native community was virtually left out of the project.

ANWR development will, like Prudoe Bay development, generate thousands of jobs in state government and in the private sector. Unless we are involved in the exchange I am fairly certain that the shareholders of Chevak Company Corp. will receive none of those jobs. Neither the private industry nor the state will be eager to open their doors to us. It will be business as usual.

I urge therefore that this committee review the ANWR exchange issues, and if I am proved to be right upon review, I urge this committee to adopt a position on the issue. I urge the committee to support the ANWR exchanges since this, of all recommendations, would provide to the community the most benefit of any of the proposed Native refuge in holding acquisition alternatives. It would provide a mixed bag of immediate and long term benefits to the shareholders of Chevak Company Corp. It would also help place Alaska Natives into the position in the Alaskan economy that congress had intended in the passage of ANCSA.

TESTIMONY TO THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS
ON
THE AFN REPORT ON THE STATUS OF
ALASKA NATIVES: A CALL FOR ACTION

MARCH 3, 1989

MY NAME IS EDWARD K. THOMAS. I AM THE ELECTED PRESIDENT OF THE FEDERALLY RECOGNIZED TRIBE OF THE TLINGIT AND HAIDA PEOPLE. SOUTHEAST ALASKA IS THE ANCESTRAL HOME OF MY PEOPLE. I THANK YOU FOR THE OPPORTUNITY TO TESTIFY ON THIS VERY IMPORTANT REPORT.

HISTORICALLY, MY PEOPLE HAVE ALWAYS TAKEN GREAT PRIDE IN WORKING OUT THEIR OWN PROBLEMS, OR AT THE VERY LEAST WORKING WITH OTHERS TO RESOLVE THESE PROBLEMS. I AM SADDENED FOR MANY REASONS BY REPORTS SUCH AS THE ONE WE ARE DISCUSSING TODAY. IN MANY WAYS THE GOVERNMENT BUREAUCRACIES RESPONSIBLE FOR RESOLVING THE PROBLEMS ARE ALSO RESPONSIBLE FOR PERPETUATING THEM. THERE ARE AT LEAST THREE REASONS FOR THIS STATE OF AFFAIRS.

1. PEOPLE WHO ARE CAUGHT IN BETWEEN TWO CULTURES ARE UNABLE TO GET THE HELP AND SUPPORT NECESSARY TO DEAL WITH THESE PROBLEMS,

2. THE LEADERS IN THE TYPICAL NATIVE COMMUNITY HAVE BEEN FORCED INTO SPENDING MOST OF HIS/HER PRODUCTIVE TIME DEFENDING THE POLITICAL EXISTENCE OF HIS/HER TRIBAL GOVERNMENT, AND

3. TOO MANY PRECIOUS RESOURCES ALLOCATED BY CONGRESS OR THE STATE LEGISLATURE ARE EATEN UP BY GOVERNMENT BUREAUCRACIES.

ON THE FIRST POINT RELATIVE TO OTHER SOCIETIES AND CIVILIZATIONS, THE NATIVE PEOPLE OF ALASKA HAVE HAD TO MAKE THE ADJUSTMENT FROM A NEAR TOTAL SUBSISTENCE ECONOMY TO A CASH ECONOMY. SEAL HUNTERS AND TRAPPERS BECAME IMPORTANT BOARD MEMBERS IN LESS THAN 20 YEARS. IT HAS TAKEN THE REST OF THIS COUNTRY SEVERAL HUNDRED YEARS TO MAKE A SIMILAR TRANSITION. PEOPLE WHO ONLY A FEW YEARS AGO SPOKE MOSTLY THEIR NATIVE TLINGIT OR HAIDA LANGUAGE AND VERY LITTLE ENGLISH, ARE NOW IN A

POSITION WHERE THEY MUST NOT ONLY USE CORPORATE TERMS IN THEIR DISCUSSION, BUT THEY MUST MAKE CRITICAL DECISIONS USING THESE "FOREIGN" TERMS.

PEOPLE WHO ONCE RELIED ALMOST ENTIRELY ON A STRONG , FAMILY STRUCTURE TO DEAL WITH PRESSURE AND CHANGE ARE UNABLE TO DEAL WITH THE NEGATIVE CHANGE AND PRESSURE BROUGHT TO THEIR COMMUNITIES BY DRUGS AND ALCOHOL USE AND ABUSE. SINCE DRUGS AND ALCOHOL ARE NOT NATIVE TO ALASKA, OUR PEOPLE HAVE LITTLE TOLERANCE AGAINST THEM AND WE DO NOT HAVE SYSTEMS AND INSTITUTIONS ESTABLISHED IN OUR VILLAGES TO HELP THESE PEOPLE DEAL WITH THE PROBLEMS THAT DRUG AND ALCOHOL ABUSE BRING.

ON THE SECOND POINT, I AM NOT AWARE OF ANY GOVERNMENTS, FOREIGN OR DOMESTIC, THAT HAVE HAD TO DEFEND THEIR EXISTENCE AS OFTEN AS TRIBAL GOVERNMENTS IN ALASKA. WE ARE NOT ONLY BEING CHALLENGED BY NON-NATIVE ORGANIZATIONS AND STATE GOVERNMENT, BUT WE ARE EVEN BEING CHALLENGED BY THE BUREAU OF INDIAN AFFAIRS (BIA), THE VERY FEDERAL AGENCY CHARGED BY CONGRESS AND PUBLIC LAW TO DEFEND THE RIGHTS OF INDIANS AND ALASKA NATIVES!

HISTORICALLY, THE UNITED STATES HAS BEEN SENSITIVE TO THE HUMAN RIGHTS OF NATIONS WITHOUT CHALLENGING THEIR SOVEREIGNTY --

- WHEN ISRAEL NEEDED HELP, THE UNITED STATES HELPED THEM WITHOUT QUESTIONING THEIR SOVEREIGNTY.
- AFTER WORLD WAR II, THE U. S. EXTENDED A HELPING HAND TO MANY DEFEATED COUNTRIES WITHOUT QUESTIONING THEIR SOVEREIGNTY EVEN THOUGH IT WOULD HAVE BEEN ACCEPTABLE IN INTERNATIONAL LAW IF THE U. S. WERE TO HAVE ANNEXED SOME OF THESE COUNTRIES.
- CONVERSELY, WHEN NATIVE AMERICANS NEED HELP IN DEALING WITH THE DEVASTATION THAT U. S. INFLUENCE HAS HAD ON SOME OF OUR PEOPLE, THE FIRST THING THE BUREAUCRATS DO IS CHALLENGE OUR SOVEREIGNTY AND THE RIGHTS OF OUR PEOPLE TO GOVERN THEMSELVES IN A PEACEFUL MANNER.

THIS PAST YEAR MY TRIBE WAS SELECTED TO PARTICIPATE AS A DEMONSTRATION TRIBE UNDER TITLE III OF P.L. 100-472. OUR INTENT WAS TO WORK TOWARD A COST-EFFECTIVE WAY TO ADMINISTER GOVERNMENT PROGRAMS TO OUR TRIBE BY REDUCING JUST ONE LAYER OF GOVERNMENT BUREAUCRACY. RATHER THAN WORK WITH US ON THIS WORTHY CAUSE THE BIA REGIONAL SOLICITOR WROTE THAT MY TRIBE SHOULD NOT HAVE BEEN ON THE LIST OF FEDERALLY-RECOGNIZED TRIBES. THIS 14-PAGE OPINION FORCED MY TRIBE TO WASTE VALUABLE FINANCIAL RESOURCES DOING RESEARCH ON THE HISTORY AND LEGAL FOUNDATION OF THE TLINGIT AND HAIDA CENTRAL COUNCIL. JUST THIS YEAR ALONE, WE HAVE SPENT ABOUT $20,000 PUTTING TOGETHER THIS LEGAL ANALYSIS. MORE IMPORTANTLY, I HAVE SPENT NEARLY 40% OF MY ADMINISTRATIVE TIME WORKING WITH ANTHROPOLOGISTS, LAWYERS AND OTHER RESEARCHERS ON THIS SINGLE ISSUE. THIS TIME COULD VERY WELL HAVE BEEN SPENT ADDRESSING THE REAL PROBLEMS OF MY PEOPLE.

THIS IS THE CASE THROUGHOUT THE STATE OF ALASKA. TRIBAL LEADERS ARE NEEDLESSLY SPENDING FAR TOO MUCH TIME DEFENDING THEIR SOVEREIGN RIGHTS INSTEAD OF DEVOTING MORE TIME DEALING WITH IMPORTANT SOCIAL ISSUES. I SAY, "NEEDLESSLY," BECAUSE IT IS

CLEAR TO ME THAT THERE SHOULD BE NO QUESTION ABOUT OUR SOVEREIGN RIGHTS. AND IF THERE ARE ANY QUESTIONS ABOUT OUR RIGHTS, THE BIA, REPRESENTING THE UNITED STATES, SHOULD COME TO OUR ASSISTANCE IN DEFENDING THESE RIGHTS!

THE SUPREME COURT OF THE UNITED STATES HAS CONSISTENTLY RULED THAT THE AUTHORITY TO PLACE LIMITATIONS ON TRIBAL RIGHTS BELONGS ONLY TO CONGRESS AND THE TRIBE, NOT TO OFFICERS IN AGENCIES OF FEDERAL GOVERNMENT. YET INDIVIDUALS WITHIN THE DEPARTMENT OF THE INTERIOR AND THE BIA INSIST ON MAKING POLICIES THAT LIMIT THE RIGHTS OF TRIBAL GOVERNMENTS. JUST RECENTLY, THE BIA PUBLISHED A LIST OF TRIBAL GOVERNMENTS IN THE FEDERAL REGISTER PURSUANT TO PART 83 OF CFR (CODE OF FEDERAL REGULATIONS) 25. INSTEAD OF SIMPLY LISTING FEDERALLY-RECOGNIZED TRIBES AS SPECIFICALLY DIRECTED BY CFR 25, THEY INCLUDED SOVEREIGNTY DISCLAIMER LANGUAGE PRECEDING THE LISTING OF ALASKA TRIBES, SIMPLY BECAUSE THE ASSISTANT SECRETARY ON INDIAN AFFAIRS DID NOT FULLY UNDERSTAND THE HISTORY OF ALASKA TRIBALISM. THE INCLUSION OF THIS DISCLAIMER LANGUAGE FAR EXCEEDS THE AUTHORITY OF THE ADMINISTRATIVE BRANCH OF THE FEDERAL GOVERNMENT IN DETERMINING POLICY ON AMERICAN NATIVE

ISSUES.

THE HIGH COURTS HAVE ALSO RULED THAT TRIBES DO NOT LOSE THEIR SOVEREIGN RIGHTS ACCIDENTALLY; SUCH RIGHTS MUST BE EXPLICITLY LIMITED BY AN ACT OF CONGRESS. IN ALASKA, THERE HAVE BEEN FEW ACTS OF CONGRESS THAT HAVE LIMITED OUR SOVEREIGN GOVERNMENTS AND NONE THAT HAVE TOTALLY RELINQUISHED OUR RIGHTS TO FUNCTION AS TRIBAL GOVERNMENTS.

ON THE THIRD POINT, AFTER 15 YEARS OF MANAGING FEDERAL PROGRAMS I AM CONVINCED BEYOND A DOUBT THAT THERE ARE SIMPLY TOO MANY LAYERS OF BUREAUCRACY IN THE BUREAU OF INDIANS AFFAIRS! THESE LAYERS OF ADMINISTRATION ARE NOT ONLY CUMBERSOME AND UNNECESSARY, BUT CREATE A SITUATION OF "TURF" PROTECTING WITHIN THE VARIOUS LAYERS OF ADMINISTRATION. IT ALSO PITS THE AGENCY AND AREA OFFICES, WHO ARE SINCERE IN THEIR EFFORTS TO PROVIDE MEANINGFUL SERVICES TO TRIBAL MEMBERS, AGAINST THE TRIBES. MANY PROBLEMS OF POOR MANAGEMENT CAN BE CORRECTED BY REDUCING A LAYER OR TWO OF THE BIA BUREAUCRACY.

IN CLOSING, LET ME MAKE IT VERY CLEAR THAT I AM NOT HERE TO SUGGEST THAT ALL OF THE PROBLEMS OF MY PEOPLE ARE THE FAULT OF SOMEONE ELSE. I AM SIMPLY SAYING THAT WE COULD ALL DO MORE WITH OUR PRECIOUS FEW RESOURCES IF WE ALL WORK TOGETHER IN A POSITIVE FASHION IN THE FUTURE. I AM ALSO SAYING THAT WE MUST QUIT WASTING VALUABLE FINANCIAL AND HUMAN RESOURCES PLAYING BUREAUCRATIC GAMES WHILE OUR PEOPLE GO ON SUFFERING WITHOUT US.

MR. CHAIRMAN, THANK YOU AND THE MEMBERS OF THIS VERY DISTINGUISHED COMMITTEE FOR TAKING OF YOUR VALUABLE TIME TO HEAR MY TESTIMONY ON THIS ALARMING REPORT. I AM CONFIDENT THAT THROUGH THE LEADERSHIP OF THIS CONGRESS POSITIVE SOLUTIONS WILL BE ADVANCED TOWARD THE PROBLEMS IDENTIFIED IN THIS REPORT. ONCE AGAIN, THANK YOU AND BEST WISHES THROUGHOUT THE REMAINDER OF THE 101ST CONGRESS.

RESPECTFULLY SUBMITTED,

EDWARD K. THOMAS
PRESIDENT
CENTRAL COUNCIL, TLINGIT AND HAIDA
INDIAN TRIBES OF ALASKA

TESTIMONY
OF
WILLIE KASAYULIE
CHIEF OF THE YUPIIT NATION
AND
CHAIRMAN OF THE ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
TO THE
SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

MARCH 3, 1989

It is always an honor to testify in the many functions of the Federal government to seek ways to improve our responsibilitites to the people we represent. It is also a distinct honor to testify in front of the Chairman Inouye for his knowledge on the plight of the indigenous governments to achieve tribal sovereignty in these United States.

On behalf of the Yupik people I represent, I would like to thank Chairman Inouye for the opportunity to testify and to thank him for his visit, this past fall of 1988, into our homelands in Southwest Alaska to gain first hand knowledge of the many problems we face.

For the record, my name is Willie Kasayulie, Chief of the Yupiit Nation and the Chairman of the Board for the Association of Village Council Presidents. I represent approximately 16,000 Yupiit from the Kuskokwim River, Lower Yukon River and coastal and tundra villages between the drainages of both rivers.

I also feel that I am addressing the Federal government, thru this process, on a "government-to-government" basis, because I also represent and work for the Akiachak Native Community, an IRA Chartered government, as the Chairman and the Chief Executive Officer.

I was very pleased with the comments made by Chairman Inouye on tribal sovereignty, during the December 19th, 1988, meeting of the committee staff members and tribal officials. With the stand of the Chairman and the support of the Secretary Manuel Lujan, I feel that a lot of tribal government issues for Alaska will be addressed.

I tend to agree with some of the findings of The AFN Report on the Status of Alaska Natives: A Call for Action. They are very alarming and are very close to the heart of my people. The report clearly identifies the Alaska Natives' dependence on government financial assistance due to no economic development in the regions, epidemic of suicides among the Native youth and low academic achievement by the Native youth and their inability to compete with job markets due to lack of "proper" education. I am here to make constructive comments on the AFN report as they relate to our region.

Although the Alaska Native Claims Settlement Act has attempted to encourage economic development on the village and regional levels, they have not produced economic self-sufficiency to benefit their shareholders. Many of the corporations invest outside of the villages and regions to make a greater profit. Some of the corporations are failing due to lack of management skills and few of the corporations are suceeding. In all cases, the traditional homelands of the Alaska Natives are assets of these business corporations. Although the 1991 amendments to ANCSA mention the "after-borns", there is no guarantee that the Native youth, born after December 18, 1971, will fully benefit from ANCSA corporations.

As indicated in the AFN report, the majority of the Alaska Natives still depend on the subsistence way of life to supplement the needs of their families in Western Alaska. Traditional unwritten laws governed each family to respect all living things to insure the coming generations benefit from the resources we still depend on to this day. With the advent of western standards, most, if not, all of the laws related to renewable resources, that we depend on, are enacted in Juneau and Washington without any consideration of the traditional laws the Alaska Natives had maintained throughout the countless generations.

In a sense, the State and the Federal government have assumed the responsibility of enacting legislation for the benefit of the Alaska Natives without any consideration to the traditional laws that may already exist. In some cases, the western laws conflict with the traditional tribal laws of the Alaska Natives.

The Federal government has shown some interest in providing education to the Alaska Natives in Western Alaska since the late 1800s. Eventually, the Bureau of Indian Affairs established "Day Schools" in the villages and assumed responsibility until the last of the Bureau funded schools were transfered to the State of Alaska in June of 1985.

Even with the objection of some tribal governments and Native organizations, the Federal government ceased its' trust responsibilty in the area of education and transfered the educational responsibility to the State of Alaska. Subsequently, all of the village schools are now under the funding auspices of the State government and the operations of village schools are governed by State regulations.

Because of the traditional subsistence activities the Alaska Natives depended on and conducted, the "education" of their children in village schools were given to the itinerant teachers hired by the

Bureau of Indian Affairs and eventually the "regional" school boards under the States' Rural Educational Attendence Area (REAA) system. Today there are a few numbers of certified Alaska Natives teaching in rural and urban schools.

Up until a few years ago, these schools taught our youngsters about the activities of western culture without any due consideration about our traditional historical events and legends. It was the job of these schools to assimilate the Alaska Native into the western ways of life and to abandon the traditional lifestyle that we were accustomed to over periods of several thousand generations.

I am not saying that the educational systems, that we now have, are bad. I am saying that we need to incorporate the tribal and western cultures to improve the present educational system to produce marketable skills in our respective regions.

The graph on page 60 of the AFN report, where it identifies the Yupiit School District, is, I feel, inaccurate because at that time the three village that now comprise the Yupiit School District [Akiachak, Akiak and Tuluksak] had essentially two different agencies responsible for education. The elementry schools were contracted by the respective IRA governments from the Bureau under the authority of Public Law 93-638, as amended. The secondary schools were operated by an REAA school system for the State of Alaska.

Due to the transition of the BIA and REAA schools into the Yupiit School District, for the time period indicated, may not accurately show the level of growth in the comprehension among the students.

In order to achieve success, the tribal governments must be involved in the process of developing a sound educational system. For that matter, the tribal governments also must be involved in the economic development of the resources that we depend upon. A close working relationship needs to be established between all Alaska Native tribal governments and regional organizations that provide services to Alaska Natives.

Although the Treaty of Cession, between the United States and Russia in the purchase of Alaska, clearly mandates the treatment of the Alaska Natives to that of the American Indian, there is no clear policy of the governmental authority of the Alaska Native tribal governments from the Federal government perspective. The State of

Alaska does not recognize the tribal governments and prefers to deal with State-chartered Native organizations and municipal governments rather than with the IRA and traditional tribal governments. The Federal government tends to recognize and deal with the State-chartered Native organizations rather than the IRA and traditional tribal governments because of unclear policy.

In all of the problems identified by the AFN report, the key ingredient of the Alaska Native tribal governments is missing. Corporations, whether for profit or non-profit, tend to be biased because of the nature of where their funding source comes from. The history shows us that the corporations come and go. The nature of the tribe is inherent and therefore permanent.

Who is/would be more responsive to the desires of its' members? The corporations or tribal governments? I think we all know the answer to the questions I just mentioned.

There is a movement of re-establishing of tribal governments in Western Alaska, specifically in the region I represent. Even though the State of Alaska does not recognize the authority of the tribal government and the Federal government's unclear policy, the revitalizing of tribal governments is growing.

Although the individual villages still retain their inherent sovereignty, the AVCP region is moving towards the establishment of a Regional Tribal Government that would be more responsive to the needs of its' tribal membership, specifically the 16,000 plus Yupiit in Western Alaska. The regional tribal government would also consolidate many of the service Native organizations under a single responsible Yupik government. Once the regional tribal government is established, the Federal and State governments must accept and deal with the tribal government to provide essential governmental services to tribal membership in a more responsive manner.

As is usually the case, the movement to establish a regional tribal government has its' opponents among the villages. These organizations and individuals do not fully understand the reasoning behind the unification of the villages. Nevertheless, it is for us to deal with these problems internally.

The AFN report also identifies the epidemic of suicide of Alaska Native youth in Western Alaska. Many are high school graduates and college age youth with little or no jobs available in the villages they reside in. The majority of these suicides are from my region. The tribal leadership, in my region, are very concerned about the epidemic of suicides because these youth are supposed to be our leaders in the very near future. Although alcohol is the factor, unemployment and lack of jobs is the factor.

Even though the schools are attempting to educate the youth to become productive members of the society, the lack of economic development in the villages and regions are below minimum in providing adequate jobs.

As we all know, the healing must come from within. The tribal government structure seems more sound and responsive to deal with the many problems faced by the Alaska Natives in Western Alaska. Too many times we have brought "outside" experts, that do not understand our cultures, to solve our problems. Our Native governments, our traditional healing methods, and our traditional laws need to be recognized and implemented.

I would like to recommend to Chairman Inouye to read the book titled The Yup'ik Eskimos by Ann Fienup-Riordan. The book is about the very region I come from in the mid-1800s as described in the travel journals and ethnographic accounts of Moravian missionaries John and Edith Kilbuck from 1885 to 1900.

In a span of 104 years, it shows considerable change in the traditional lifestyle of the Yupiit up to this date. It documents the governmental structure of the Yupiit in pre-western contact. To read about my ancestors of only 70 to 80 years ago, it is appalling to know the deterioration of tribal control over our lands, resources and people.

For that reason, I would like to recommend, to the Chairman of the Senate Select Committee on Indian Affairs, the following:

1. That the Federal Register contain only the list of all Alaska Native tribal governments, excluding ANCSA corporations;

2. That the Senate Select Committee on Indian Affairs encourage the development of a clear policy to recognize the inherent governmental authority of the Alaska Native governments; and

3. That the Senate Select Committee on Indian Affairs encourage the reestablishment of trust responsibility in education, housing, social and economic programs for the Alaska Natives

With that, I would like to thank Chairman Inouye for the opportunity to address the Senate Select Committee on Indian Affairs. Quyana.

TESTIMONY OF MARGARET ROBERTS and DEBRA CALDERA

Representing the Alaska Native Health Board

before the Senate Select Committee on Indian Affairs

March 3, 1989

Mr. Chairman and members of the Committee, my name is Margaret Roberts. I am Vice Chairman of the Alaska Native Health Board, Chairman of the Kodiak area Tribal Council (representing the Shoonaq Tribe), and Chairman of the Kodiak Native Association Board of Directors. With me today is Debra Caldera of the Alaska Native Health Board.

While Alaska's recent cold spell and the story of trapped California whales captured world interest, those stories have not increased understanding of the poor health conditions of Alaska's Native people, or the difficulty in providing health care services in this vast, sparsely populated region of North America.

There are approximately 90,000 Alaska Natives in Alaska, 60% of whom live in villages of less than 1,000 people. These communities are located up to 1,200 miles from the nearest regional hub community. People in isolated, remote villages rely heavily upon a subsistence lifestyle. Subsistence is traditional and the sense of self reliance that accompanies it contributes to people's well-being.

The Alaska Federation of Natives Report on the Status of Alaska Natives: "A Call For Action" details the crisis in the health status of Alaska Natives. The report, if anything, understates the problems. We are plagued by a horrifying suicide rate. The rate nationally for suicide is approximately 12.5 per 100,000 population. In Alaska, we have seen rates as high as 750 per 100,000 in some areas. A village of 230 people losing three young men in one year to suicide is equivalent to Anchorage losing 3,000 young men to suicide.

The high suicide rate, along with abnormally high rates of fetal alcohol syndrome (FAS), homicide, injuries, family violence, sexual abuse, teen pregnancies, and sexually transmitted diseases, are dramatic evidence of the massive cultural dislocation currently being experienced by Alaska's Native people. While Alaska Natives make up about 17% of the state's population, we account for about 45% of the state's inmate population housed in Alaska institutions of correction.

These problems reflect the very real pain and suffering of our people and are symptomatic of a general malaise created, in large part, by failed federal and state policies. As cultural and governmental forces from outside our communities close in, our villages must increasingly struggle to retain a sense of their own village identity. The sense of "community" within our villages is under assault. In some cases, it has broken down dramatically.

By separating our tribal communities from our lands and, instead, putting tribal lands at risk in the hands of village corporations, perhaps the weakening of our traditional tribal structures was inevitable. A tribal people divorced of their tribal lands is a tragedy in itself. But this has been compounded by other developments in recent years.

For instance, the State of Alaska at every turn challenges our rights as tribal governments to take care of our communities and to guide us forward. The state wants to stop us from raising money through taxes to run the programs we so desperately need, from exercising our village subsistence rights, even from taking care of the welfare of our children. In the meantime, a very divided Alaska Supreme Court has had the audacity to suggest that Alaska Native villages are not even tribes, despite the fact that we have been so considered from the very first day on which Alaska was purchased from Russia.

Even the Department of the Interior has turned against us. Mr. Chairman, you will remember that when I testified before you two years ago during the Tampa Convention of the National Congress of American Indians, I came to plead the case of those few villages (including my own) which the Department of the Interior refused to acknowledge as tribes, even as the Department acknowledged the tribal existence of 195 other villages in Alaska. In hearings last May, the Department's representatives were unable to explain their failure to recognize the tribal status of these few villages.

Finally, last December, the Department took action but with a vengeance against us that we had never imagined. The Department decided that all Alaska villages ought to receive services as part of the federal trust responsibility, but that as far as the Department was concerned, none of our Alaska villages are "Indian tribes." In pretending to help the few villages that had not been listed in prior years as recognized tribes, the Department, in fact, has tried to strike a fatal blow to all Alaska village tribes. Mr. Chairman, this Committee can and should take action to reverse the Department's effort to "de-tribalize" our villages.

Add to all this the assaults on our culture and our traditional way of life, and the symptoms noted in the AFN report become more understandable.

Mr. Chairman, our villages feel they have no control over their communities; no local control, no self-determination. Decisions are made far away at regional levels, in Juneau, or here, in

Washington, DC. As efforts continue to undermine our tribal government, our villages are losing their sense of identity. If a person feels lost, dislocated, lacking identity, alienated and powerless to take control of his own life, he is likely to exhibit much of what AFN reports: Depression, unemployment, illness, self-destructive behavior, abuse, even suicide. The same is so for an entire community, especially when the village is confronted with trying to adapt to outside cultural influences and evolving changes in values. If tribal self-determination--local control--is not protected, strengthened and restored, I fear that little will come out of other initiatives that only seek to treat the symptoms, not the causes.

Mr. Chairman, our village tribes will not go away. We will not quit. The Alaska Supreme Court may be against us, the State of Alaska may be against us, and our trustee, the U.S. Department of the Interior may even be against us. But our village tribes will continue to struggle for survival. If this means that the rich talent and human resources we have must be spent on defending our rights here and in the courts, rather than on addressing suicide and alcohol abuse problems, education deficiencies, or economic development problems, so be it. Our villages are up to the challenge because we must be; our very survival depends on it.

Our problems are desperate, but we do not despair. We continue to work to better identify the problems of our villages, particularly in the health area, and to devise solutions. Attached to my testimony today is a paper prepared by the Alaska Native Health Board. It identifies several of the most severe problems in health and health care delivery in rural Alaska, and proposes a plan of action for each.

For example, alcoholism is tearing our villages apart. A small number of villages have applied the community development approach developed by the Alkali Band of Indians in British Columbia and are making exciting progress toward alcohol-free communities. These villages are using "facilitator/trainers" skilled in the community development method. Unfortunately, there are only a few individuals who possess the appropriate knowledge and training. ANHB suggests funding for trainers who would instruct villages across Alaska in the community development method. ANHB also suggests establishing several special pilot programs, targeting specific villages in at least four of the regions.

We are very proud of the Community Health Aide Program in Alaska. Community health aides are village-based health care providers who form the backbone of the entire Native health care system in Alaska. They provide emergency services, diagnose and treat a wide variety of illnesses, and provide preventive care. Unfortunately, due to severe underfunding that persists despite a $5 million increase from Congress last year, the CHAP program faces a crisis that threatens the very existence of the program. In a moment, I will ask Debra Caldera of the Alaska Native Health Board to provide details on this crisis.

Senator Inouye, in your visit to Alaska last year, you became well acquainted with the Community Health Aide program, and pledged your support in achieving full funding for the program. In the ensuing months, you have been one of the program's strongest advocates. We are deeply grateful for your understanding and support, and will rely on them heavily as we work to achieve desperately needed funding increases for CHAP.

I close with these thoughts. If the problems which I and other witnesses today have discussed with you are to be effectively dealt with, if the shocking statistics of the AFN Report are to be reversed, then we must begin at home with our tribal communities, to strengthen their local control and self-determination. If our village tribes cannot realize the dream of self-determination nothing else will be possible. I ask and pray that in addressing these most serious problems this Committee keep foremost in its mind that the health of our people and the health of our tribal governments are inseparable; with one will surely go the other.

RECOMMENDED CONGRESSIONAL ACTION TO RESOLVE HEALTH AND RELATED PROBLEMS AMONG ALASKA NATIVES

1. INCREASE FUNDING FOR THE COMMUNITY HEALTH AIDE PROGRAM

ISSUE: The Community Health Aide Program is the primary component of the Native health care system in Alaska. CHA's are paraprofessionals serving in isolated villages with populations ranging from 50-800; last year CHA's provided care in over 225,000 cases. As the Senate Select Committee Chairman saw clearly during his recent visit to Alaska, the CHA is almost always the only health care available to village residents.

Despite the importance of CHA's to Native health care in Alaska, the CHAP program is severely underfunded. Almost one-third of the practicing CHA's have had only four weeks of training, and receive neither adequate supervision nor support. As a result, the annual CHA attrition rate is 33%--far higher than the villages can sustain.

ACTION: Congress should provide an increase in funding for the CHA Program. The total annual funding need for the basic CHA program is $28.7 million. In 1988, the CHAP program was funded at 27% of need. Congress recognized the severity of the underfunding and increased funding for Fiscal Year 1989 by $5 million, which raised the dollar level to 44% of need.

Unfortunately, the new funds have not yet been made available. When the funds are available, most of the dollars will be allocated to CHA salary increases. Increased funds are needed to expand and offer more frequent training. CHA Program funding must be brought to 100% of need. This would mean an increase of $16.8 million in FY 1990. (See the attached document entitled "Community Health Aide Program: The Crisis Remains".)

2. REAFFIRM TRIBAL SELF-DETERMINATION IN ALASKA

ISSUE: The circle of issues facing Alaska Natives returns always to the starting point: community empowerment through recognition of tribal status and self-determination. Congress should act to reaffirm its recognition of these vital powers in Alaska tribes.

ACTION: Direct the Department of the Interior to withdraw its 1988 "Indian Tribal Entities" list

Congress can provide a strong reaffirmation of the tribal status of our Native villages by directing the Interior Department to withdraw its list of Indian tribal entities which are recognized and eligible to receive services from the Bureau of Indian Affairs, published in the Federal Register on December 29, 1988.

In the new list, the Department deleted the preamble to the 1986 list (which stated that the entire list was comprised of eligible "Indian tribal entities") and substituted a long preamble to the Alaska Native Entities section apparently designed to "detribalize" our villages. The 1988 list even includes the village and regional corporations of the Alaska Native Claims Settlement Act, which totally confuses the government-to-government basis for eligibility of Native American entities to receive federal services. Alaska Natives were provided no meaningful voice in the decision to issue the 1988 list.

ACTION: Reaffirm the government to government relationship between Alaska Natives and the federal government.

Congress should take an active role in dealings with the Department of the Interior, the Indian Health Service, and the State of Alaska to emphasize, protect, and reaffirm the tribal status of Alaska tribes and the government-to-government relationship enjoyed between Alaska tribes and the United States. Such an active role would go far in enabling Alaska Natives to realize the promises of the policy of tribal self-determination. This role would include the introduction of remedial legislation to address the health and social status of Alaska Natives and to enhance tribal self-determination and tribal powers.

3. STRENGTHEN COMMUNITY PARTICIPATION IN SUBSTANCE ABUSE TREATMENT

ISSUE: Alcohol abuse is a common denominator in the current holocaust of death and destruction among Alaska Natives as evidenced by high rates of suicide, homicide, inmate population, teen pregnancy, family violence, child sexual abuse, fetal alcohol syndrome, and death by injuries. Federal and State programs have failed to recognize cultural differences and have been extremely ineffective.

Villages must assume the major responsibility for dealing with the alcohol and drug abuse problem. They must be empowered to develop their own unique approaches and solutions. A small number of Alaska Native villages, using "facilitator/trainers" skilled in the community development technology developed by the famous Alkali Lake Band of Indians in British Columbia, Canada, have begun to make exciting progress toward achieving sobriety and more healthy communities. Unfortunately, the number of facilitator/trainers in Alaska is extremely limited. Those now in the field are over-utilized and stretched beyond reasonable limits.

ACTION: 1. Congress should direct that a moderate amount of reoccurring and contractable funds be provided the Indian Health Service to create community development training capability within a statewide Alaska Native organization. The program should emphasize a long term approach over the "quick fix." The statewide Native organization would promote the Alkali Lake community development model with all health and social services provider agencies in the field. The 12 regional Native non-profit health organizations would act as "collecting points" for the accumulation of this expertise.

2. Several special "pilot" programs, targeting specific villages in at least four of the regions should be initiated. Both the centrally based training program and the regional non-profit Native health organizations working with the selected villages would begin the process. Each of these pilot projects would include a periodic evaluation process to allow the documentation of the progress of each community selected.

4. IMPROVE THE ALASKA NATIVE HEALTH CARE DELIVERY SYSTEM:

ISSUE: Virtually every effort by the government and tribes to document the crisis in Alaska Native health has discussed the poor integration and coordination of State and federal services. The regional Native non-profit health providers must be empowered to bring all provider agencies and programs (including State and federal) together through agreements, cross-training, and ongoing coordination of services.

ACTION: Congress should provide moderate funds for several pilot programs to be run by regional tribal provider agencies which would authorize the organization to bring together all federal, state, and tribal providers in the field through MOAs and cooperative agreements. Within the agreements, the emphasis would be on supporting village efforts and using existing services to greater advantage.

ISSUE: The majority of health resources in rural Alaska are directed toward crisis response rather than prevention. Unfortunately, resources have not been available for conducting meaningful prevention programs to address most health problems.

ACTION: The Committee should request that sufficient funds be provided to the Alaska Area Native Health Service (IHS) to bring prevention and health promotion technology to the villages. For example, a prevention program designed to reduce the number of head trauma cases related to the unsafe operation of all-terrain vehicles has had great success. Similarly, a two year program to reduce the tragically high incidence of fetal alcohol syndrome has had dramatic success.

ISSUE: Recruiting and retention of health care workers village in Alaska has been traditionally difficult, due to Alaska's intimidating geography and weather. Further, few Alaska Natives are pursuing careers in health-related fields or participating in the Indian Health Service Indian Health Scholarship Program. (Alaska Natives have been awarded less than 1% of the IHSP scholarships.) Yet, it is widely recognized that increased participation of Native people in the delivery of care has a highly positive effect on the health care system as a whole.

ACTION: 1. The U.S. Department of Education should be expressly directed to assist an Alaska Native organization to develop and initiate a Health Careers Opportunity Program in Alaska to encourage Alaska Natives to pursue health careers. Further, special funds should be made available within the HCOP program to allow mentoring of prospective Native health providers, as well as to provide special internships, as these methods are the ones that have proven effective. Current HCOP activities do not include those features.

2. The Indian Health Care Improvement Act should be amended to allow the "regionalization" of the Indian Health Scholarship Program. This program is presently administered on the basis of a national competition. "Regionalization" would allow scholarship resources to approximate the allocation of IHS resources. Alaska accounts for the use of approximately 14% of all IHS resources. Approximately that same share of scholarships should be dedicated to the Alaska portion of the scholarship system.

COMMUNITY HEALTH AIDE PROGRAM: The Crisis Remains

The Community Health Aide Program is the backbone of the entire Native health care system in Alaska. It is the sole means for 42,772 rural Alaska Natives to receive primary care and to access secondary and primary health care. Found only in Alaska, the system evolved over the past thirty years when the traditional Public Health Service health care model of regional hospitals failed to provide health care to natives living in remote rural areas. Regional centers can effectively serve a population only when an efficient transportation system exits. Such a system did not exist thrity years ago in rural Alaska and it does not exitst today.

Community Health Aides (CHAs) serve in isolated villages with populations of 50 - 800 people. They are village based paraprofessional health care providers selected from and by the communities in which they serve. They perform a wide variety of health services ranging from emergency care to diagnosing and treating a wide variety of illnesses and providing preventive care.

CHAs are the only health care providers living in the village. They consult daily with physicians by telephone or radio. The roles and responsibilities of the CHA can be compared to that of a physician's assistant or midlevel practitioner.

The Community Health Aide Program (CHAP) is widely recognized as a cost effective, acceptable and indispensible component of Native health care in Alaska. Last year CHAs provided care in 228,185 patient encounters. However, there is great concern statewide that the program is faltering.

In 1988, the Alaska Native Health Board supported a project aimed at identifying program problems. The report and briefing paper "Alaska Community Health Aide Program In Crisis" documents that the program is in crisis and is in imminent danger of collapse due to severe underfunding. Over the years of it's existence, program funding did not keep pace with the growth of the program. The document outlines a need to fund a "no frills" program at $28.7 million per year. In 1988 the program was funded with both federal and state dollars at $7.7 million, which is 27% of the need. The result, an annual statewide attrition rate of thrity-three percent (151 of 464 CHAs); eighty five percent (85%) of CHAs are eligible for public assistance; and most alarming, thrity percent (30%) of the practicing CHAs had less than the first four (of twelve weeks) of basic training. Nonetheless, these CHAs had full responsibility for their positions. Finally, CHAs were not receiving adequate support and supervision in their difficult and demanding jobs.

This information was presented to Congress in March of 1988. Congress recognized the seriousness of the problems and granted a $5 million increase for FY89. This brings the program funding level to a level of 44% of need. I would like to report to the committee that the new funds have had a dramatic impact on the program. I would like to report that our attrition rate is down, that our training levels are up and that the quality of care for rural Alaska Natives has improved but I can not say any of these things. If anything, we have lost more ground in the past year. We are nearly half way through FY89 and have not yet received any of the new program dollars. We are very anxious to implement the new funds, appropriated last year and hope they will hit the regions soon.

Over the past six months the Alaska Native Health Board, The Association of Regional Health Directors, the Community Health Aide Program Directors, and the Alaska Area Native Health Service have worked closely to determine how to distribute the new funds. A more difficult decision was to determine how to utilize the funds.

The CHA salary, work schedule, training and support needs are great; each cause has it's own merits in laying claim to the entire amount. However the CHA salary and working conditions were the most compelling problems and had to be faced first. Under the current system, primary CHAs are "on call" 24 hours a day, 365 days per year. Alternate CHAs are expected to provide back up for the primary CHA. They too must be available 8,760 hours per year. The CHA's are thus compensated at the following roles:

CHA-Hourly Salary based on a 8,760 hour work year

March 1988

CHA Mean Annual Salary	Hourly rate
Primary - $17,397	$ 1.99 per hour
Alternate - 4,000	.46 per hour

When the funds are available, most of the $5 million in new dollars will be directed to CHA salaries and additional positions. Most if not all corporations will promote alternate CHAs to primary status and implement a more reasonable work schedule for all CHAs. This will greatly reduce CHA stress which is the primary reasons CHAs leave their jobs. CHA salaries will be raised but most will still be eligible for public assistance until additional appropriations are obtained.

The second most compelling need is training for CHAs. Health professionals such as physicians, midlevel practitioners, nurses and physical therapists are required to complete a rigorous educational and licensing procedure prior to hire into a position. This process can take up to ten years or more to complete. Basic educational requirements must be met prior to enrollment in the professional school. Throughout the two to ten year educational process, the performance of the individual is very closely monitored. Completion of licensing procedures indicate that an individual is competent to provide services. These individuals are hired and given full responsibility for their position.

The roles and responsibilities of a CHA are most similar to that of a midlevel practitioner who assesses and treats patients with or without a physician consultant. Unlike midlevel practitioners, CHAs are given some or all responsibility of their positions at the time of hire PRIOR to beginning any formal training for the position. The CHA may or may not have the opportunity to learn some of the needed skills from another CHA in the village.

The average amount of time that a CHA must wait to take the first four weeks of a ten week training course is six months. One third of CHAs practicing have not yet completed Session I. The list for CHAs waiting to take sessions II and Session III is long. A CHA may need to wait several years to take these sessions. Meanwhile, they have the lives of men, women, and children literally in their hands.

It is no longer tolerable for a CHA to wait six months or more for the first exposure to formal training. Many Regional Health Provider agencies have adopted a six day "abbreviated" course which is given soon after hire. This gives the CHA some of the skills for safe practice but it is by no means a substitute for session I. It is a stop gap measure.

Four CHA training centers are in existence today. Two receive some funding for their programs but the funding does not permit adequate numbers of training staff. The remaining programs are not formally funded and must pull funds from CHA support and from supervision funds to conduct needed basic training. This places a significant strain or all staff, and reduces resources targeted for direct care.

The current capacity, statewide, for CHA training is 29 sessions per year. The current need is for 69 sessions. Major expansion of the training program must occur. This in itself poses another major problem-lack of manpower to provide the training. It is extremely difficult to recruit and retain midlevel practitioners for training and for supervisory positions. In order to conduct 69 sessions per year twenty two (22) additional instructors will be needed. The short term solution to this problem is to continue to hire midlevel practitioners from outside the state. The long term solution is to encourage CHAs to prusue careers at higher levels in the health field and prepare and support them in their endeavor. Since 1981 17 former CHAs have completed physician's assistant training. 14 have returned to and are working in the state. Efforts must continue and intenisfy to meet this health care manpower shortage.

The Community Health Aide Program is a cost effective means of providing health care to residents of isolated communities in

Alaska. Appropriate technology is used to deal with local problems. A well developed referral system is in place to deal with health problems requiring a higher level of technology. Alternative methods to delivering primary health care to this population are impractical and cost prohibitive. Two alternatives come to mind.

ALTERNATIVE 1

Place midlevel practitioners in each village.

Problems:

a. Currently there is no midlevel practitioner manpower surplus in the state. Positions would need to be filled from outside the state by people who would need to learn to work within the cultural setting in a Native Village.

b. 78% of the villages have a population of less than 400 people. It would be extremely difficult to find practitioners to work in such small village settings. Most would be underutilized.

c. The recruiting, relocating, salary and benefits cost per midlevel practitioner position would exceed $65,000 per year.

d. A high attrition rate would have to be anticipated due to isolation of the practitioner from colleagues and his/her own family.

e. The practitioner would not necessarily be accepted by the community.

ALTERNATIVE 2

Transport all patients needing health care to a regional health care center.

Problems

a. Last year CHAs provided care in 228,185 patient encounters. Round trip transportation costs could be estimated to be $150 each. The cost of transportation only for providing access to care would exceed $34 million per year. The cost of the actual patient encounter would have to be factored into the cost formula as well as the cost of expanding staff and physical plants to accomodate the increased patient load.

b. Weather conditions are severe and extremely variable in Alaska. Transportation disruptions due to weather are a frequent occurance. Villages could be cut off from all services for more than a week at a time.

c. There would be no one in the village to take care of the day to day problems. Children with bacterial infections, fevers, and minor injuries and women needing prenatal exams would not be served. People simply cannot "save up" their illnesses for times that the weather permits air travel. The Community Health Aide Program must be funded at $28.7 million as outlined in "Alaska Community Health Aide Program In Crisis" The total federal and state budget for FY89 for CHAs is approximately:

IHS (Anchorage - CHAP plus tribal component)	$10,034,765
State House Bill 215	$ 1,700,000
State to Kuskokwim College	$ 200,000
TOTAL	$11.934.765

Funding Shortfall:

Budget need per year	$28,700,000
Current annual budget	$11,934,765
Total amount needed annually to correct program deficits	$16,765,235

The Indian Health Service Resource Requirement Methodology (RRM) alone cannot be used to determine total program budget needs because the Community Health Aide Program module DOES NOT include the cost of training CHAs. Also, the RRM computes only 25% of the CHA workload in determining distribution of IHS funds.

It is critical that funding for the CHAP not be lost in the IHS distribution system. The CHAP program is such a unique feature of IHS activities that this appropriation needs to be deliniated as a seperate line item within the overall IHS budget.

THE ALASKA NATIVE MEDICAL CENTER: A SPECIAL PROBLEM

The condition of the Alaska Native Medical Center (ANMC) has long been a major concern of Alaska Native Health Board. As the years pass, the signs of rapid decay are becoming more apparent. By way of explaining our need, a brief discussion of history is appropriate.

Alaska Native Medical Center opened in December of 1953 as a central facility to deal with the tuberculosis problem among Alaska Native people. Initially, the hospital consisted of 189 beds with the capacity to expand to 404 beds. At that time, the tuberculosis hospital was the largest building in the Territory of Alaska with 127,574 square feet of floor space.

The Alaska Native Medical Center is the apex of a tightly coordinated, vertical system of referral that begins in the village, with the Community Health Aide. Patients needing primary hospital care are transported to eight regional hospitals. Those needing tertiary care are transported to the ANMC.

Today, the configuration of the Alaska Native Medical Center includes 112 general medical and surgical beds, six level II neonatal intensive care beds, 31 pediatric beds, 12 obstetrical beds and nine intensive care beds for a total of 170 beds. In addition to the 37,501 patient days of service provided in 1985, the facility was utilized for nearly 100,000 outpatient visits. A brief summary of the workload statistics for 1985 is shown below:

Admissions	4,813
Patient Days	37,501
Facility Beds	170
Deliveries/Births	818
Surgical Procedures	3,220
Newborn Patient Days	2,287
Emergency Visits	2,088
Outpatient Visits	99,677
Primary Care Provider Visits	84,573
Dental Team Service Minutes	787,500
Inpatient Radiology Exams	8,119
Outpatient Radiology Exams	12,705
Respiratory Therapy Treatments	30,126

This facility, which was constructed nearly 35 years ago for inpatient care of tuberculosis patients is now being used for a much different purpose. The evolution of the hospital to its current function has involved many major alterations and the addition of "temporary" buildings on the hospital grounds.

A 1979 study commissioned by Cook Inlet Native Association summarized the facility's weaknesses:

STRUCTURAL

"Our analysis indicates that the ANMC building as it stands would not conform to current structural code requirements -- particularly those related to earthquake design -- for new facilities." (The existing building design was based on the requirements of the 1946 Uniform Building Code).

MECHANICAL/ELECTRICAL

The majority of the facility lacks required ventilation and air conditioning systems needed to provide the minimum environmental requirements mandated by DHEW.

The electrical system -- exclusive of the renovated areas of the hospital -- is not in conformance with code with respect to the number and type of receptacles, grounding, and communication systems.

LIFE SAFETY

The building has multiple Life Safety Code nonconformances:

- Improperly latched and operated doors and exits of inappropriate materials and hardware, together with poor signage and improper pedestrian protection
- Stairs and hallways with improper handrails and storage
- Attached buildings of dissimilar construction type without adequate fire protection for the main ANMC building

SITE SOIL CONDITIONS

The high bluff on which ANMC rests is underlain by soft clay known to be susceptible to earthquake induced landslides. There have been two major landslides at the bluff within the past 80 years, one of them being triggered by the Good Friday earthquake in 1964 which carved a steep escarpment within 100 feet of the Center's east wing. Without butressing, the ANMC site is a high risk to be damaged again by landslides.

BUILDING LAYOUT/CIRCULATION

The circulation system within the ANMC is:

- Not sufficiently simple to use
- Offers little variety of environment

More significantly, the system contains conflicts of commerce flows in that:

- All traffic flows use the same main entrance on the same heavily trafficked floor which provides few amenities.
- Clean and soiled material flows are mixed with all traffic types.
- Outpatient flows are heavily mixed with inpatient traffic in some areas. Another study, completed in 1980, recommended the addition of 100,000 square feet just to accomodate outpatient services.

Informal planning for a new facility began in the early 1970's, but it was not until 1982 that a Program Information Document was completed. Congress appropriated $2 million in FY83 to revitalize the planning process and both a Program Justification Document and a Program of Requirements were completed in February of 1987. Approval of the documents is expected this spring. An additional $4.5 million was appropriated last year to begin design work after approval of the two documents.

The Program Justification Document describes the major faults of the ANMC as follows:

1. A future large earthquake could cause additional ground movement and jeopardize the safety of the hospital.

2. The building is nearing the end of its useful life as an acute care hospital as maintenance and repair become increasingly expensive.

3. It is difficult to accomodate modern medical technologies in the building which was built for the lower acuity care delivered in the 1950's.

4. ANMC has outgrown the existing facilities. Many departments must be located in temporary modular buildings, and many other departments are exceedingly cramped in their existing space.

The facility problems at ANMC have been confirmed by internal IHS surveys, which place it at the top of the national list of facilities to be replaced. Attached is a series of pictures depicting some of the problem areas within the existing building.

The Congress has appropriated $11.5 million to perform functional planning, soils testing, site development and architectural design, which will be completed sometime in 1991. Approximately $117 million will be needed to construct the new facility, which will include a more complete Centers for Disease Control (CDC) station than now exists.

CPR saves child

Lake almost claims youth

By LARRY CAMPBELL
Daily News reporter

No one knows how long Glenn Paul had been floating face down in the near-freezing water of the tiny lake. When the Kipnuk villagers pulled the boy out, he was cold, limp and lifeless.

But they breathed life back into him, and Wednesday afternoon, nearly a week later, the 6-year-old boy was smiling and playing with toys in his bed at the Alaska Native Medical Center.

"They did all the right things out there," said Glenn's doctor, Rosalyn Singleton, a U.S. Public Health Service physician at the hospital. Glenn's youth, plus quick resuscitation efforts by the village health aide and other villagers, "saved his life."

Glenn had fallen into the small, unnamed lake last Thursday evening, after his mother, Jennie Paul, saw him run off to play with friends. The family's village is on the Western coast, about 100 miles southwest of Bethel.

About an hour after Glenn's mother last saw him, village policeman James Dock found the boy in the partially frozen lake. Dock crawled across the ice to pull the boy out. He could find no pulse, and the boy wasn't breathing, said public health aide Debra Samson.

Other village men were performing cardiopulmonary resuscitation on the boy when Samson arrived at the lakeshore.

"There were a lot of people when I got there," Samson said. "Two men were doing CPR, so I kneeled beside them and just kind of counseled them on it."

When Samson took over giving the boy breaths, she could detect a slight pulse. She kept blowing warm air into his body while the men carried him to a nearby home.

That's where Jennie Paul saw her son again.

"His lips were purple, and he was crying just softly," she said. "He was unconscious, but he could hear us, I think, because every time we talked to him, he moved around a little."

Singleton said the boy's body temperature was about 88 degrees Fahrenheit when the rescuers first got him to shelter, about 10 degrees below normal. They stripped his wet clothes from him and wrapped him in blankets.

Glenn was flown to the hospital in Bethel, where doctors started running a warmed saline solution through his veins. A few hours later he was flown to Anchorage.

Singleton said they kept the boy on a resuscitator until Saturday afternoon, a tube running down his throat. His breathing remained labored and raspy until Tuesday. But he avoided other complications, like brain swelling from lack of oxygen, that could have made his recovery much worse.

Youngsters survive being submerged in cold water much more readily than adults, Singleton said. Nationwide, she said that [illegible] percent of youngsters pulled from near-drownings in cold water recover with no brain disorder. The cold water slows the body's metabolism and, thus, it's demand for oxygen.

Glenn probably will continue his recovery at the Bethel hospital next week, Singleton said. He still needs antibiotics and a little

See Page D-2: RESCUE

OLYMPICS: Mystrom [illegible]

METRO

SECTION D Oct. 20, 1988

Anchorage Daily News/[illegible]

Glenn Paul, 6, takes a look out his hospital window with his mom, Jennie, on Wednesday.

RESCUE:

Youth survives

Continued from Page D-1

physical therapy, because he's still a little wobbly on his legs.

Glenn didn't do much talking himself for visitors Wednesday afternoon. He preferred playing with a teddy bear and a playhouse in his hospital bed.

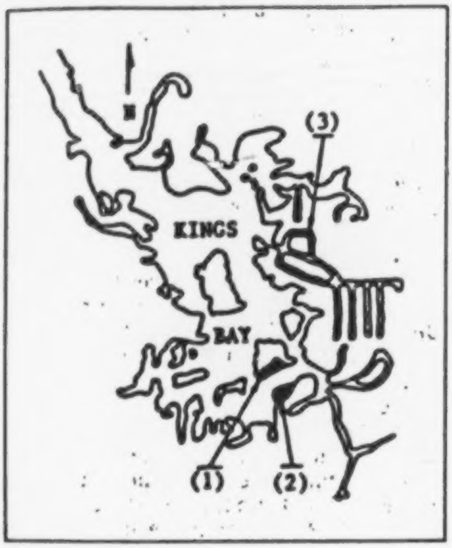
But his mother said he understands what happened to him last week. She said he remembers it.

"He said he was dead," Jennie Paul said. "And climbing up ladders. He told me that. And I asked him, 'Weren't you scared?' And he

MMPA

point of beginning, containing 1.70 acres, more or less, to be known as the Magnolia Springs Sanctuary.

(b) *Exception for residents.* Boat access to private residences, boat houses, and boat docks through these sanctuaries by the residents and their authorized guests is permitted. Any such authorized boating activity must be conducted by operating motorboats at idle speed/no wake. Residents' boats will be identified by the placement of a sticker provided by the Fish and Wildlife Service in a conspicuous location on each boat. Use of the waters within the sanctuaries by boats will be only for the purpose of access to residences and the storage of such boats in waters adjacent to residences.



[45 FR 74881, Nov. 12, 1980]

PART 18—MARINE MAMMALS

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AUTHORITY: Marine Mammal Protection Act of 1972, as amended (Pub. L. 92-522, 88 Stat. 1027; Pub. L. 97-58. 95 Stat. 979 (16 U.S.C. 1361-1407)).

SOURCE: 39 FR 7262, Feb. 25, 1974, unless otherwise noted.

Subpart A—Introduction

§ 18.1 Purpose of regulations.

The regulations contained in this part implement the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), which among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

§ 18.2 Scope of regulations.

(a) This Part 18 applies solely to marine mammals and marine mammal products as defined in § 18.3. For regulations under the Act with respect to cetacea (whales and porpoises), pinnipedia, other than walrus (seals and sea lions), see 50 CFR Part 216.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 13 of this subchapter.)

§ 18.3 Definitions.

In addition to definitions contained in section 3 of the Act and in Part 10 of this subchapter, and unless the context requires otherwise, in this Part 18:

"Act" means the Marine Mammal Protection Act of 1972, 86 Stat. 1027, 16 U.S.C. 1361-1407; Pub. L. 92-522.

"Alaskan Native" means a person defined in the Alaska Native Claims Settlement Act (43 U.S.C. section 1603(b) (85 Stat. 588)) as a citizen of the United States who is of one-fourth degree or more Alaska Indian (including Tsimshian Indians enrolled or not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native, as so defined, either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or town of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any Native village or Native town. Any citizen enrolled by the Secretary pursuant to section 5 of the Alaska Native Claims Settlement Act shall be conclusively presumed to be an Alaskan Native for purposes of this part.

"Authentic native articles of handicrafts and clothing" means items made by an Indian, Aleut, or Eskimo which (a) were commonly produced on or before December 21, 1972, and (b are composed wholly or in some significant respect of natural materials, and (c) are significantly altered from their natural form and which are produced decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or similar mass copying devices. Improved methods of production utilizing modern implements such a sewing machines or modern techniques at a tannery registered pursuant to § 18.23(c) may be used so long as no large scale mass production industry results. Traditional native handicrafts include, but are not limited to, weaving, carving, stitching sewing, lacing, beading, drawing, and painting. The formation of traditiona native groups, such as cooperatives, permitted so long as no large sca mass production results.

"Commercial fishing operation means the lawful harvesting of fis from the marine environment fo profit as part of an on-going busines enterprise. Such term shall not clude sport fishing activities whethe or not carried out by charter boat otherwise, and whether or not the fish so caught are subsequently sold.

"Endangered species" means a species of marine mammal listed as "endangered" pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205 (see Part 17 of this subchapter).

"Incidental catch" means the taking of a marine mammal (a) because it is directly interfering with commercial fishing operations, or (b) as a consequence of the steps used to secure the fish in connection with commercial fishing operations: *Provided, however,* That a marine mammal so taken must immediately be returned to the sea with a minimum of injury; and *Provided, further,* That the taking of a marine mammal which otherwise meets the requirements of this definition shall not be considered as incidental catch of that mammal if it is used subsequently to assist in commercial fishing operations.

"Marine mammal" means any specimen of the following species, whether alive or dead, and any part thereof, including but not limited to, any raw, dressed, or dyed fur or skin:

Scientific name	Common name	Date listed
Ursus maritimus	Polar bear	Dec. 21, 1972.
Enhydra lutris	Sea otter	Do.
Odobenus rosmarus	Walrus	Do.
Dugong dugon	Dugong	Do.
Trichechus manatus	West Indian manatee.	Do.
Trichechus inunguis	Amazonian manatee.	Do.
Trichechus senegalensis.	West African manatee.	Do.
Lutra felina	Marine otter	Mar. 29, 1978.

NOTE: Common names given may be at variance with local usage.

"Native village or town" means any community, association, tribe, band, clan, or group.

"Pregnant" means pregnant near term.

"Subsistence" means the use by Alaskan Natives of marine mammals taken by Alaskan Natives for food, clothing, shelter, heating, transportation, and other uses necessary to maintain the life of the taker or for those who depend upon the taker to provide them with such subsistence.

"Take" means to harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

"Threatened species" means a species of marine mammal listed as "threatened" pursuant to the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

"Wasteful manner" means any taking or method of taking which is likely to result in the killing or injuring of marine mammals beyond those needed for subsistence purposes or for the making of authentic native articles of handicrafts and clothing or which results in the waste of a substantial portion of the marine mammal and includes without limitation the employment of a method of taking which is not likely to assure the capture or killing of a marine mammal, or which is not immediately followed by a reasonable effort to retrieve the marine mammal.

[39 FR 7262, Feb. 25, 1974, as amended at 43 FR 13066, Mar. 29, 1978]

Subpart B—Prohibitions

§ 18.11 Prohibited taking.

Except as otherwise provided in Subpart C, D, or H of this Part 18, or Part 403, it is unlawful for:

(a) Any person, vessel, or conveyance subject to the jurisdiction of the United States to take any marine mammal on the high seas, or

(b) Any person, vessel, or conveyance to take any marine mammal in waters or on lands under the jurisdiction of the United States.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.12 Prohibited importation.

(a) Except as otherwise provided in Subparts C and D of this Part 18, it is unlawful for any person to import any marine mammal or marine mammal product into the United States.

(b) Regardless of whether an importation is otherwise authorized pursuant to Subparts C and D of this Part 18, it is unlawful for any person to import into the United States any:

(1) Marine mammal: (i) Taken in violation of the Act, or

(ii) Taken in another country in violation of the laws of that country;

(2) Any marine mammal product if: (i) The importation into the United States of the marine mammal from which such product is made would be unlawful under paragraph (b)(1) of this section, or

(ii) The sale in commerce of such product in the country of origin of the product is illegal.

(c) Except in accordance with an exception referred to in Subpart C and §§ 18.31 and 18.32 of this part, it is unlawful to import into the United States any:

(1) Marine mammal which was pregnant at the time of taking;

(2) Marine mammal which was nursing at the time of taking, or less than 8 months old, whichever occurs later;

(3) Specimen of an endangered or threatened species of marine mammals;

(4) Specimen taken from a depleted species or stock of marine mammals; or

(5) Marine mammal taken in an inhumane manner.

(d) It is unlawful to import into the United States any fish, whether fresh, frozen, or otherwise prepared, if such fish was caught in a manner proscribed by the Secretary of Commerce for persons subject to the jurisdiction of the United States, whether or not any marine mammals were in fact taken incident to the catching of the fish.

§ 18.13 Prohibited uses, possession, transportation, and sales.

Except as otherwise provided in the Act or these regulations, it is unlawful for:

(a) Any person to use any port, harbor, or other place under the jurisdiction of the United States for any purpose in any way connected with a prohibited taking or any unlawful importation of any marine mammal or marine mammal products;

(b) Any person to possess any marine mammal, or product therefrom, taken in violation of the Act or these regulations;

(c) Any person to transport, purchase, sell, or offer to purchase or sell any marine mammal or marine mammal product; or

(d) Any person subject to the jurisdiction of the United States to use in a commercial fishery, any means or method of fishing in contravention of regulations and limitations issued by the Secretary of Commerce for that fishery to achieve the purposes of this Act.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.14 Marine mammals taken before the Act.

(a) Section 102(e) of the Act provides in effect that the Act shall not apply to any marine mammal taken prior to December 21, 1972, or to any marine mammal product consisting of, or composed in whole or in part of, any marine mammal taken before such date. Such status may be established by submitting to the Director prior to, or at the time of importation, an affidavit containing the following:

(1) The Affiant's name and address;

(2) Identification of the Affiant;

(3) A description of the marine mammals or marine mammal products which the Affiant desires to import;

(4) A statement by the Affiant that to the best of his knowledge and belief, the marine mammals involved in the application were taken prior to December 21, 1972;

(5) A statement by the Affiant in the following language:

> The foregoing is principally based on the attached exhibits which, to the best of my knowledge and belief, are complete, true and correct. I understand that this affidavit is being submitted for the purpose of inducing the Federal Government to permit the importation of ——— under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statements may subject me to the criminal penalties of 18 U.S.C. 1001.

(b) Either one of two exhibits shall
attached to such affidavit, and will
ntain either:
(1) Records or other available evi-
nce showing that the product con-
ts of or is composed in whole or in
rt of marine mammals taken prior
December 21, 1972. Such records or
her evidentiary material must in-
ude information on how, when,
ere, and by whom the animals were
ken, what processing has taken
ace since taking, and the date and lo-
tion of such processing; or
(2) A statement from a government
ency of the country of origin exer-
sing jurisdiction over marine mam-
als that any and all such mammals
om which the products sought to be
ported were derived were taken
ior to December 21, 1972.
(c) Service agents, or Customs offi-
rs, may refuse to clear marine mam-
als or marine mammal products for
portation into the United States,
rsuant to § 14.53 of this subchapter,
til the importer can demonstrate,
production of the affidavit referred
above or otherwise, that section
2(e) of the Act applies to all affected
ms.
(d) This section has no application
any marine mammal or marine
mmal product intended to be im-
rted pursuant to § 18.21, § 18.31 or
8.32 of this part.

FR 7262, Feb. 25, 1974, as amended at 51
17981, May 16, 1986]

Subpart C—General Exceptions

**.21 Actions permitted by international
treaty, convention, or agreement.**

he Act and these regulations shall
apply to the extent that they are
onsistent with the provisions of any
ernational treaty, convention, or
reement, or any statute implement-
the same, relating to the taking or
portation of marine mammals or
rine mammal products, which was
stent and in force prior to Decem-
21, 1972, and to which the United
tes was a party. Specifically, the
ulations in Subpart B of this part
d the provisions of the Act shall not
ly to activities carried out pursu-
to the Interim Convention on the Conservation of North Pacific Fur Seals signed in Washington on February 9, 1957, and the Fur Seal Act of 1966, 16 U.S.C. 1151-1187, as, in each case, from time to time amended.

§ 18.22 Taking by Federal, State or local government officials.

(a) A Federal, State or local government official or employee may take a marine mammal in the course of his duties as an official or employee and no permit shall be required, if such taking:

(1) Is accomplished in a humane manner;

(2) Is for the protection or welfare of such mammal or from the protection of the public health or welfare; and

(3) Includes steps designed to insure return of such mammal, if not killed in the course of such taking, to its natural habitat. In addition, any such official or employee may, incidental to such taking, possess and transport, but not sell or offer for sale, such mammal and use any port, harbor, or other place under the jurisdiction of the United States. All steps reasonably practicable under the circumstances shall be taken by any such employee or official to prevent injury or death to the marine mammal as the result of such taking.

(b) Each taking permitted under this Section should be included in a written report, to be submitted to the Director every six months, beginning December 31, 1973. Unless otherwise permitted by the Director, the report shall contain a description of:

(1) The animal involved;

(2) The circumstances requiring the taking;

(3) The method of taking;

(4) The name and official position of the State official or employee involved;

(5) The disposition of the animal, including in cases where the animal has been retained in captivity, a description of the place and means of confinement and the measures taken for its maintenance and care; and

(6) Such other information as the Director may require.

The reports shall be mailed to the Director, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.23 Native exemptions.

(a) *Taking.* Except as otherwise provided in Part 403 of this title, any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean may take any marine mammal without a permit, subject to the restrictions contained in this section, if such taking is:

(1) For subsistence purposes, or

(2) For purposes of creating and selling authentic native articles of handicraft and clothing, and

(3) In each case, not accomplished in a wasteful manner.

(b) *Restrictions.* (1) "Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for subsistence may be sold or otherwise transferred to any person other than an Alaskan Native or delivered, carried, transported, or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Alaskan Native directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Alaskan Native; or

(ii) It is sold or transferred to a registered agent in Alaska for resale or transfer to an Alaskan Native; or

(iii) It is an edible portion and it is sold in an Alaskan Native village or town.

(2) "Except for a transfer to a duly authorized representative of the Regional Director of the U.S. Fish and Wildlife Service for scientific research purposes, no marine mammal taken for purposes of creating and selling authentic Native articles of handicraft and clothing may be sold or otherwise transferred to any person other than an Indian, Aleut or Eskimo, or delivered, carried, transported or shipped in interstate or foreign commerce, unless:

(i) It is being sent by an Indian, Aleut or Eskimo directly or through a registered agent to a tannery registered under paragraph (c) of this section for the purpose of processing, and will be returned directly or through a registered agent to the Indian, Aleut or Eskimo; or

(ii) It is sold or transferred to a registered agent for resale or transfer to an Indian, Aleut, or Eskimo; or

(iii) It has been first transformed into an authentic Native article of handicraft or clothing; or

(iv) It is an edible portion and it is sold (A) in an Alaskan Native village or town or (B) to an Alaskan Native for his consumption.

(c) The restriction in paragraph (b) shall not apply to parts or products of the Pacific walrus (*Odobenis rosmarus*) to the extent that the waiver of the moratorium and the approved State/Federal regulations relating to the taking and importation of walrus permits the delivery, sale, transportation or shipment of parts or products of the Pacific walrus in interstate or foreign commerce.

(d) Any tannery, or person who wishes to act as an agent, within the jurisdiction of the United States may apply to the Director for registration as a tannery or an agent which may possess and process marine mammal products for Indians, Aleuts, or Eskimos. The application shall include the following information:

(1) The name and address of the applicant;

(2) A description of the applicant's procedures for receiving, storing, processing, and shipping materials;

(3) A proposal for a system of bookkeeping and/or inventory segregation by which the applicant could maintain accurate records of marine mammals received from Indians, Aleuts, or Eskimos, pursuant to this section;

(4) Such other information as the Director may request;

(5) A certification in the following language:

I hereby certify that the foregoing information is complete, true, and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining the benefit of an exception under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001.

(6) The signature of the applicant.

The sufficiency of the application shall be determined by the Director, and in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The registration of a tannery or other agent shall be subject to the conditions as the Director prescribes, which may include, but are not limited to provisions regarding records, inventory segregation, reports, and inspection. The Director may charge a reasonable fee for such applications, including an appropriate apportionment of overhead and administrative expenses of the Department of Interior.

(e) Notwithstanding the preceding provisions of this section, whenever, under the Act, the Secretary determines any species or stock of marine mammals to be depleted, he may prescribe regulations pursuant to section 103 of the Act upon the taking of such marine mammals by any Indian, Aleut, or Eskimo and, after promulgation of such regulations, all takings of such marine mammals by such person shall conform to such regulations.

39 FR 7262, Feb. 25, 1974, as amended at 40 FR 59444, Dec. 24, 1975; 45 FR 54057, Aug. 14, 1980; 51 FR 17981, May 16, 1986]

18.24 Taking incidental to commercial fishing operations.

Persons may take marine mammals incidental to commercial fishing operations until October 21, 1974: *Provided*, That such taking is by means of equipment and techniques prescribed in regulations issued by the Secretary of Commerce. However, any marine mammal taken as an incidental catch may not be retained. It shall be the immediate goal that the incidental kill or incidental serious injury of marine mammals permitted in the course of commercial fishing operations be reduced to insignificant levels approaching a zero mortality and serious injury rate.

§ 18.25 Exempted marine mammals or marine mammal products.

(a) The provisions of the Act and these regulations shall not apply:

(1) To any marine mammal taken before December 21, 1972, or

(2) To any marine mammal product if the marine mammal portion of such product consists solely of a marine mammal taken before such date.

(b) The prohibitions contained in § 18.12(c) (3) and (4) shall not apply to marine mammals or marine mammal products imported into the United States before the date on which notice is published in the FEDERAL REGISTER of the proposed rulemaking with respect to the designation of the species of stock concerned as depleted or endangered:

(c) Section 18.12(b) shall not apply to articles imported into the United States before the effective date of the foreign law making the taking or sale, as the case may be, of such marine mammals or marine mammal products unlawful.

§ 18.26 Collection of certain dead marine mammal parts.

(a) Any bones, teeth or ivory of any dead marine mammal may be collected from a beach or from land within ¼ of a mile of the ocean. The term "ocean" includes bays and estuaries.

(b) Marine mammal parts so collected may be retained if registered within 30 days with an agent of the National Marine Fisheries Service, or an agent of the U.S. Fish and Wildlife Service.

(c) Registration shall include (1) the name of the owner, (2) a description of the article to be registered and (3) the date and location of collection.

(d) Title to any marine mammal parts collected under this section is not transferable, unless consented to in writing by the agent referred to in paragraph (b) of this section.

[39 FR 7262, Feb. 25, 1974, as amended at 51 FR 17981, May 16, 1986]

§ 18.27 Regulations governing small takes of marine mammals incidental to specified activities.

(a) *Purpose of regulations.* The regulations in this section implement Section 101(a)(5) of the Marine Mammal

Protection Act of 1972, as amended, 16 U.S.C. 1371(a)(5), Pub. L. 97-58, which provides a mechanism for allowing, upon request, during periods of not more than five consecutive years each, the incidental, but not intentional, taking of small numbers of non-depleted marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region.

(b) *Scope of regulations.* The taking of small numbers of marine mammals under Section 101(a)(5) of the Marine Mammal Protection Act may be allowed only if the species involved are not depleted and if the Fish and Wildlife Service:

(1) Finds that the total taking during the specified time period will have a negligible impact on the species and their habitat, and on the availability of the species for subsistence uses;

(2) prescribes regulations setting forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and their habitat, paying particular attention to rookeries, mating grounds, and other areas of similar significance; and

(3) prescribes regulations pertaining to the monitoring and reporting of such taking.

NOTE: The information collections contained in this § 18.27 are not subject to Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) since there will be less than ten respondents annually.

(c) *Definitions.* In addition to definitions contained in the Act and in 50 CFR 18.3 and unless the context otherwise requires, in this section.

"Citizens of the United States" and "U.S. citizens" means individual U.S. citizens or any partnership, corporation, association, or similar entity if it is organized under the laws of the United States or any governmental unit defined in 16 U.S.C. 1362(13) and controlled by individuals who are U.S. citizens. U.S. Federal, State and local government agencies shall also constitute citizens of the United States for purposes of this section.

"Incidental, but not intentional, taking" means takings which are infrequent, unavoidable, or accidental. It does not mean that the taking must be unexpected. (Complete definition of take is contained in 50 CFR 18.3.)

"Negligible impact" means a biological impact which can be disregarded or which is so small or unimportant, as to warrant little or no attention. A finding of negligible impact cannot be made if a species or stock is depleted under 16 U.S.C. 1362(1).

"Small numbers" means a portion of a marine mammal species or stock whose taking would have a negligible impact on that species or stock.

"Specified activity" means any activity, other than commercial fishing, which takes place in a specified geographical region and potentially involves the taking of small numbers of non-depleted marine mammals. The specified activity and specified geographical region should be identified so that the anticipated effects on non-depleted marine mammals will be substantially similar.

"Specified geographical region" means an area within which a specified activity is conducted and which has similar biogeographic characteristics.

(d) *Submission of requests.* (1) In order for the Fish and Wildlife Service to consider allowing the taking by U.S. citizens of small numbers of non-depleted marine mammals incidental to a specified activity, a written request must be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Requests shall include the following information on the activity in general and estimated cumulative impacts of the total potential taking (by all persons conducting the activity):

(i) A description of the specific activity or class of activities that can be expected to result in incidental taking of non-depleted marine mammals;

(ii) The dates and duration of such activity and the specific geographical region where it will occur;

(iii) Based upon the best available scientific information;

(A) An estimate of the species and numbers of marine mammals likely to be taken by age, sex, and reproductive conditions, and the type of taking (*e.g.*, disturbance by sound, injury or death resulting from collision, etc.) and the number of times such taking is likely to occur;

(B) A description of the status, distribution, and seasonal distribution (when applicable) of the affected species or stocks likely to be affected by such activities;

(C) The anticipated impact of the activity upon the species or stocks;

(D) The anticipated impact of the activity on the availability of the species or stocks for subsistence uses;

(iv) The anticipated impact of the activity upon the habitat of the marine mammal populations and the likelihood of restoration of the affected habitat;

(v) The anticipated impact of the loss or modification of the habitat on the marine mammal population involved;

(vi) The availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, their habitat, and, where relevant, on their availability for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance;

(vii) Suggested means of accomplishing the necessary monitoring and reporting which will result in increased knowledge of the species through an analysis of the level of taking or impacts and suggested means of minimizing burdens by coordinating such reporting requirements with other schemes already applicable to persons conducting such activity; and

(viii) Suggested means of learning of, encouraging, and coordinating research opportunities, plans and activities relating to reducing such incidental taking from such specified activities, and evaluating its effects.

(2) The Director shall determine the adequacy and completeness of a request, and if found to be adequate, will invite information, suggestions, and comments on the preliminary finding of negligible impact and on the proposed specific regulations through notice in the FEDERAL REGISTER, newspapers of general circulation, and appropriate electronic media in the coastal areas that may be affected by such activity. All information and suggestions will be considered by the Fish and Wildlife Service in developing final findings and effective specific regulations.

(3) The Director shall evaluate each request to determine, based on the best available scientific evidence, whether the total taking constitutes a negligible impact on the species or stocks of marine mammals, their habitat, and where relevant, on the availability of the species for subsistence uses. Any preliminary finding of negligible impact shall be proposed for public comment before final specific regulations are promulgated.

(e) *Specific regulations.* (1) Generic regulations will be established for each allowed specifed activity which set forth permissible methods of taking and requirements for monitoring and reporting.

(2) Regulations will be established based on the best available scientific information. As new information is developed, through monitoring, reporting, or research, the regulations may be modified, in whole or part, after notice and opportunity for public review.

(f) *Letters of Authorization.* (1) A Letter of Authorization, which may be issued only to U.S. citizens, is required to conduct activities pursuant to any specific regulations established. Requests for Letters of Authorization shall be submitted to the Director, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. The information to be submitted in a request may be obtained by writing the Director. Once specific regulations are effective, the Service will to the maximum extent possible, process subsequent applications for Letters of Authorization within 30 days after receipt of the application by the Service.

(2) Issuance of a Letter of Authorization will be based on a determination that the level of taking will be consistent with the finding that the cumulative total of such taking will have a negligible impact on the marine mammal species or stocks and their habitat, and, where relevant, on the

availability of the species for subsistence uses.

(3) Notice of issuance of all Letters of Authorization will be published in the FEDERAL REGISTER within 30 days of issuance.

(4) Letters of Authorization will specify the period of validity and any additional terms and conditions appropriate for the specific request.

(5) Letters of Authorization shall be withdrawn or suspended, either on an individual or class basis, as appropriate, if, after notice and opportunity for public comment, the Director determines: (i) The regulations prescribed are not being substantially complied with, or (ii) the taking allowed is having, or may have, more than a negligible impact on the species or stocks concerned, their habitat, or, where relevant, on their availability for subsistence uses.

(6) The requirement for notice and opportunity for public review in paragraph (f)(5) of this section shall not apply if the Director determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned.

(7) A violation of any of the terms and conditions of a Letter of Authorization or of the specific regulations may subject the Holder and/or any individual who is operating under the authority of the Holder's Letter of Authorization to penalties provided in the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407).

[48 FR 31225, July 7, 1983]

Subpart D—Special Exceptions

§ 18.31 Scientific research permits and public display permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking and importation of marine mammals for scientific research purposes or for public display.

(a) *Application procedure.* Applications for permits to take and import marine mammals for scientific research purposes or for public display shall be submitted to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) A statement of the purpose, date, location and manner of the taking or importation;

(2) A description of the marine mammal or the marine mammal products to be taken or imported, including the species or subspecies involved; the population stock, when known, the number of specimens or products (or the weight thereof, where appropriate); and the anticipated age, size, sex, and condition (i.e., whether pregnant or nursing) of the animals involved;

(3) If the marine mammal is to be taken and transported alive, a complete description of the manner of transportation, care and maintenance, including the type, size, and construction of the container or artificial environment; arrangements for feeding and sanitation; a statement of the applicant's qualifications and previous experience in caring for and handling captive marine mammals and a like statement as to the qualifications of any common carrier or agent to be employed to transport the animal; and a written certification of a licensed veterinarian knowledgeable in the field of marine mammals that he has personally reviewed the arrangements for transporting and maintaining the animals and that in his opinion they are adequate to provide for the well-being of the animal;

(4) If the application is for a scientific research permit, a detailed description of the scientific research project or program in which the marine mammal or marine mammal product is to be used including a copy of the research proposal relating to such program or project and the names and addresses of the sponsor or cooperating institution and the scientists involved;

(5) If the application is for a scientific research permit, and if the marine mammal proposed to be taken or imported is listed as an endangered or threatened species or has been designated by the Secretary as depleted, a detailed justification of the need for such a marine mammal, including a discussion of possible alternatives,

S6.14 *Container information.* Each container with information marked directly on the container surface or on a label (labels) affixed to the container pursuant to S5.2.2.2 or S5.2.2.3 is subjected to the following procedure:

(a) If the container has a label affixed to it, make a single vertical cut all the way through the label with the container in the vertical position.

(b) Immerse the container in the same brake fluid or hydraulic system mineral oil contained therein for 15 minutes at room temperature (23±5 °C; 73.4±9 °F).

(c) Within 3 minutes after removing the container from the fluid or oil, remove excess liquid from the surface of the container by wiping with a clean dry cloth.

Issued on June 23, 1988.

Diane K. Steed,

Administrator.

[illegible] 14515 Filed 6-27-88; 8:45 am]

[illegible] 4910-59-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

Regulations Governing the Marking, Tagging, and Reporting of Marine Mammals for Alaskan Natives

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) hereby amends 50 CFR Part 18 to establish marking, tagging, and reporting regulations as authorized under section 109(i) of the Marine Mammal Protection Act of 1972 (Act), as amended. Under section 101(b) of the Act, Indians, Aleuts, and Eskimos residing in Alaska and dwelling along the coast of the North Pacific or Arctic Oceans may take marine mammals for subsistence or handicraft purposes. This action implements a 1981 amendment to the Act and will assist the Service in monitoring the subsistence and handicraft harvest of polar bear, walrus, and sea otter, and in obtaining essential biological data needed to manage these marine mammal species or stocks. The action should also help control the illegal take, trade, and transport of specified raw marine mammal parts.

EFFECTIVE DATE: October 26, 1988. Comments will be accepted on the final rule until August 12, 1988.

ADDRESS: Comments on the final rule may be mailed to the Regional Director, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Jon R. Nickles, Supervisor, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 E Tudor Road, Anchorage, Alaska 99503, telephone (907) 786-3492.

SUPPLEMENTARY INFORMATION: The Act (16 U.S.C. 1361-1407), as amended, was enacted for the purpose of ensuring the long-term survival of marine mammals by establishing a Federal responsibility for their management and conservation. The Act imposed a general moratorium on the taking of marine mammals. However, under section 101(b), it did allow the non-wasteful taking of marine mammals by Alaskan Natives (i.e., Indians, Aleuts, and Eskimos residing in Alaska and dwelling on the coast of the Arctic or North Pacific Oceans) for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing. The Act also assigned management responsibility to the Secretary of the Interior (Secretary), for the protection and conservation in Alaska of polar bear (*Ursus maritimus*), Pacific walrus (*Odobenus rosmarus divergens*), and northern sea otter (*Enhydra lutris lutris*) in addition to certain other marine mammals not found in Alaska and, therefore, not considered or included in this final rulemaking.

The Act specifically provided that: (1) Alaskan Natives residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans could take marine mammals for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing if such taking was non-wasteful and the species was not depleted; and (2) the Secretary could, upon the determination that any species or stock of marine mammal subject to taking by Alaskan Natives was depleted, prescribe regulations upon such taking by Alaskan Natives.

The Congress, on October 9, 1981, amended the Act with the passage of Pub. L. 97-58 that, among other things, added section 109(i). This Section authorized the Secretary, "* * * (after providing notice thereof in the Federal Register and in newspapers of general circulation, and through appropriate electronic media, in the affected area and providing opportunity for a hearing thereon in such area) [to] prescribe regulations requiring the marking, tagging, and reporting of animals taken pursuant to section 1371(b) [the Alaska Native exemption for subsistence and handicraft takings]."

Section 109(i) was enacted to enable the Secretary to gather sufficient data on the harvest and biology of marine mammals taken by Alaskan Natives to determine what effect such taking was having on these populations. It was also designed to provide the Secretary with a means of monitoring the disposition of this harvest to ensure that any commercial use of marine mammal products met the criteria set forth in section 101(b)(2) of the Act.

The Service recognizes that certain other taking of polar bear, walrus and sea otter is authorized by the Act (e.g., unintentional take of small numbers incidental to specified activities and take by permit for scientific research or public display). This final action deals only with the provision in the Act that exempts legal taking of polar bear, walrus, and sea otter by Alaskan Natives under conditions already described. It implements section 109(i) of the Act, as amended in 1981, by amending 50 CFR Part 18—Marine Mammals, Subpart C—General Exceptions, Section 18.23—Native Exceptions, through the addition of Paragraph (f)—Marking, tagging, and reporting.

On December 3, 1985, the Service published a proposed rule in the Federal Register (50 FR 49377) to implement section 109(i) of the Act. It solicited comments on the proposed regulations for marking, tagging, and reporting of marine mammals taken by Alaskan Natives. The original public comment period occurred from December 3, 1985, through March 3, 1986, but was extended through March 31, 1986, (51 FR 10243) to accommodate requests made by some Native villages.

To assist the public in hearing about, and understanding, the proposed rule, the following groups were contacted:

1. Eskimo Walrus Commission.
2. North Slope Borough Fish and Game Management Committee.
3. Mayors of the North and Northwest Alaska Conference.
4. All coastal Alaska village corporations.
5. All coastal Alaska village mayors.
6. Known walrus boat captains in Cambell, Savoonga, Little Diomede, Nome, Wales, and King Island.
7. Polar bear hunters that had taken a bear between 1979 through 1985 for whom addresses were known.
8. Natives known to be interested in taking sea otters in Alaska.
9. Environmental groups.
10. Individuals dwelling along the coast of Alaska.
11. Federal and State agencies.

In recognition of the unique logistical and communication problems in rural Alaska, over 1,500 copies of the proposed rule were mailed to the above groups and individuals. Likewise, about [illegible] copies of a brochure explaining the proposed rule, and providing a postage [illegible], were mailed to village organizations and mayors for distribution to their residents. A news release was mailed to all newspapers, radio and television stations, and other media outlets in Alaska. Interviews for radio broadcast were held in Barrow, Nome, and Kotzebue. Public meetings were held in 32 locations in Alaska. A public teleconference was also held for the villages of Kaktovik, Barrow, Wainwright, Point Hope, and Kivalina.

Summary of Public Comments and Service Responses

The 375 people who attended the Service's 32 public meetings made a recorded 560 comments. Fifty-three written or telephone responses were also received. The most prevalent questions or comments concerned: Who must mark, tag, and report an animal or specified parts; who will mark or tag an item; how an item will be marked or tagged; penalties for not marking, tagging, and reporting; the 30-day time period for marking, tagging, and reporting beach-found walrus ivory; the 180-day time period for marking and tagging specified parts taken or possessed between December 21, 1972, (the effective date of the Act) and the effective date of the final rule; marking, tagging, and reporting requirements of registered agents; and general opposition to the proposed rule.

As a result of the review process, the Service has made several changes to the final rule. These are discussed in [illegible] elsewhere in this preamble. The Service has deleted the list of villages that appeared in the proposed rule, added sea otter skulls as an unhandicrafted specified part to be marked and tagged, added a requirement that items of research be returned to the Service at the time when an animal is reported, and clarified that criminal and seizure of parts provisions, in addition to a civil penalty, were applicable for violating this regulation. Registered agents/tanneries are also being required to mark and tag the specified parts in their possession. The Service is also requiring that sex identifiers remain attached or accompany the skins of marine mammals when presenting animals for marking, tagging, and reporting purposes. A clarification was made in the final rule that the specified parts that are required to be marked and tagged must be raw or unhandicrafted at the time they are presented for marking and tagging purposes. The marking, tagging, and reporting of beach-found and floating dead animals, and their specified parts, was clarified in the final rule. The title of the final rule was also changed from "reporting and sealing" to "marking, tagging, and reporting" so that it was consistent with the terminology used in the Act. To be consistent with the stated purposes and intent of the regulation it was clarified in the final rule that the specified parts must be taken and presented for marking and tagging to make legal the possession of any other parts from that mammal.

A commenter inquired why an Environmental Impact Statement was not completed for the regulations. The Service, after preparation of an environmental assessment, determined that the final rulemaking implementing a specific 1981 amendment to the Act concerning marking, tagging, and reporting is not a major Federal action significantly affecting the quality of the human environment in the context of section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the completion of an Environmental Impact Statement on this rule is not required.

Many reviewers were concerned about an undue burden the rule may impose on Natives that have to travel long distances to reach Service personnel or an authorized local representative for marking, tagging, and reporting. The Service's intent is not to put an unreasonable economic or logistic burden on Natives taking marine mammals and having to present them, or specified parts thereof, for marking, tagging, and reporting. As such, there will either be a Service person that visits villages, periodically, or upon request, or an authorized local representative will be available full-time in villages for the purposes of marking, tagging, and reporting of marine mammals. Under this arrangement, Natives should not have to leave their villages for the purposes of marking, tagging, and reporting of walruses, polar bears, and sea otters.

Several commenters suggested the Service delete the list of 57 villages identified in the proposed rule. These villages were to have had a Service employee or an authorized representative to implement the marking, tagging, and reporting process. The concern was expressed that any change to the list would result in further and lengthy rulemaking procedures. The Service accepts this suggestion and has deleted the list of villages in which Service personnel or an authorized local representative will be located. Additionally, the Service, in response to a further suggestion, will provide annual notice regarding which villages will either be assigned full-time or periodically by Service personnel or which will be serviced by an authorized local representative. Notice of the designated locations will be provided through [illegible] of general circulation and other appropriate means. This action to delete the list of villages will allow the Service to be responsive to local needs in a more timely fashion.

Many commenters questioned how marking, tagging, and reporting would be accomplished and who would be responsible for that task. The Service or the Service's authorized local representative will be responsible for attaching the mark, tag, or other marking devices on the specified parts and for receiving the harvest information and completing the report. Since several marking and tagging techniques will be field tested during the initial implementation period, the devices and techniques may change over time. Generally, plastic or metal tags and other marking devices or techniques will be used to mark and tag the specified parts. If tags or marks come off the specified parts, they must be replaced with a new tag or mark and the broken tag or other marking devices must be returned to the Service.

Many reviewers expressed concern that the proposed 30-day time requirement was insufficient for having their marine mammal or specified unhandicrafted parts thereof, marked, tagged, and reported. Again, the Service intends to assist some locations full-time, periodically or upon request visit villages that harvest few marine mammals, or maintain an authorized local representative in villages to mark, tag, and receive reports. As such, the Service believes the 30-day reporting requirement will not be an unreasonable burden on Natives taking marine mammals. The Service is concerned that the data gathered be as factual and accurate as possible. Lengthening the reporting period may diminish the accuracy of the data and, therefore, is not consistent with the purposes of this rule.

Many reviewers inquired about penalties that could be imposed on those who do not comply with this regulation. Likewise, other commenters inquired as to how the Service was going to get Natives to participate in the program. The Service understands that there needs to be a great deal of cooperation and information exchange between Natives and itself to effectively implement the regulations. The Service also recognizes that, during the initial implementation of these regulations, a prudent law enforcement policy must consider extenuating circumstances when determining the appropriateness of a penalty assessment. Penalties for not adhering to the regulatory requirements of the Act can be severe and the Service, therefore, encourages hunters to fully participate. Further, and in a more positive sense, the better the harvest information derived from the marking, tagging, and reporting program becomes, the better the Service will be able to fine-tune any necessary management programs should stocks become depleted. Civil penalties for violation of the provisions of this regulation are provided for in section 105(a)(1) of the Act. Any person violating any regulation issued under the auspices of the Act may be assessed a civil penalty of not more than $10,000 for each violation. Although section 105(b) of the Act provides that criminal convictions can result from violations of regulations issued under the Act, it is not the Service's intention to refer violations of these marking, tagging, and reporting regulations to the Justice Department for criminal prosecution. Nor do these regulations provide for the forfeiture penalty under section 107 of the Act for marine mammal parts that are retained in violation of this final rule. The Service believes that the potential sanction of civil penalty assessments will be adequate to assure compliance with the marking, tagging, and reporting regulations. If future experience under this rule indicates that the civil penalty provision is not adequate to stimulate compliance, then the Service may have to consider proposing the use of the criminal penalty and forfeiture provisions of the Act as remedies to enforce adherence to these rules. It should be well understood that the preceding discussion applies only to the imposition of penalties for violations of these rules. If an individual is engaged in the unlawful taking or sale of a marine mammal, or commits any other violation of the Act or the current regulations in 50 CFR Part 18, the Service may seek the imposition of criminal penalties and forfeiture.

One commenter suggested that the subparagraph on "definitions" be moved to the beginning of the rule because the terms defined were used prior to the definition section in the proposed rule. The Service accepts this suggestion and has moved the definitions to the beginning of the final rule. In addition, the term "marking and tagging" was clarified to indicate that it was the raw and unhandicrafted (including tanned skins in the context of the 180-day reporting requirement) specified parts that were to be presented for marking and tagging purposes.

One commenter took exception to the Service's statement that the Act exempts from taking prohibitions Alaskan Natives that dwell along the coast of Alaska because it did not include the Act's provision that Natives must also reside in Alaska. The text of the rule has been changed to indicate the Act's Alaska residency requirement.

A commenter requested that the data generated by this rule be made available annually to the public and set forth in the Service's annual report to Congress as required by section 103(f) of the Act. The Service accepts this recommendation and will put the data in its annual report and will, to the maximum extent practical, make the data publicly available.

Several commenters were concerned that beach-found ivory collected by Natives was not required to be marked, tagged, or reported, while others wondered if the Service was going to distinguish between beach-found and hunter-killed animals and ivory. The proposed regulations did not, in fact, require Natives to report or distinguish beach-found animals and ivory. Also, the need to report animals that are found floating dead in the water was not clear. Consequently, two components of the walrus mortality would not be marked, tagged, and reported and the accuracy of the known mortality and harvest data would be diminished. Likewise, a component of the ivory entering the marketplace would be unmarked and it would be difficult to determine if such ivory was obtained illegally. Requiring all ivory that has been taken or collected pursuant to the Alaskan Native exemption to be marked will simplify enforcement efforts of the Service. The Service understands these concerns and has modified this final rule to require that Natives must present and distinguish between beach-found, hunter-taken, and floating dead animals and ivory for marking, tagging, and reporting purposes. Current regulations concerning beach-found ivory collected by non-Natives are found in 50 CFR 18.26, "Collection of certain dead marine mammal parts." These regulations allow non-Natives to collect and retain beach-found ivory if that ivory is registered within 30 days with an agent of either the Service or the National Marine Fisheries Service. Registration includes the name of the owner, a description of the item, and the date and location of collection. Additionally, title to parts collected and registered under 50 CFR 18.26 is not transferable unless consented to in writing by the agent. The Service believes the regulations at 50 CFR 18.26 provide adequate controls for non-Native beach-found ivory and this is not included in this final rulemaking.

Several commenters inquired if registered agents, i.e., people authorized to procure marine mammal parts from Natives and transfer or resell them to other Natives or registered agents, were required to mark and tag their ivory. The proposed rule did not require registered agents/tanneries to mark and tag specified parts. However, the Service now recognizes that, without covering current inventories of raw marine mammal parts possessed by registered agents/tanneries, a component of the ivory trade would go unmarked, making it difficult for the Service to determine if ivory was entering the marketplace illegally. Consequently, the Service has revised the final rule to reflect that registered agents/tanneries are required to present the ivory, skulls, and skins of sea otters, walruses, and polar bears in their possession for marking and tagging purposes within 180 days from the effective date of this rulemaking. Therefore, all ivory taken or collected by Alaskan Natives is required to be marked. There will be no reporting requirement for these skulls, ivory, or skins.

A few commenters requested that the skulls of sea otters, in addition to the hide, and the skulls of walrus be marked or tagged so information on the age structure of the harvest can be gathered. The age structure of harvested polar bears, sea otters, and walrus is important management information and can be estimated as a result of tooth analysis. The Service accepts the suggestion to require the skulls of sea otters to be presented for tagging. A rudimentary pre-molar may also be extracted and retained by the Service for the purpose of age analysis, but sea otter skulls will not be retained by the Service. The Service, however, will not require walrus skulls to be marked because of the unreasonable imposition it would place on Native hunters to do so. As it has done in the past, the Service may continue to acquire walrus teeth from hunters for age analysis.

Several commenters questioned the need to mark and tag fossilized ivory. The Service is not requiring that fossilized ivory be marked or tagged. Accurate estimates of the harvest of walrus would not be enhanced by marking or tagging fossilized ivory and it is questionable if such ivory is subject to provisions of the Act. However, fossilized ivory is regulated under either the Archeological Resources Protection

Act of 1979 and Antiquities Act of 1906 if located on Federal lands, the Alaska Historic Preservation Statute if located on State lands, and the Convention on International Trade in Endangered Species of Wild Fauna and Flora if exported. Fossilized ivory found on private lands is presently unregulated.

Several commenters expressed concern about which individual is responsible for presenting for marking, tagging, and reporting purposes walrus and the ivory taken by a group of hunters operating from one boat. Depending on the village, animals and the ivory may not be divided until the end of the spring or other hunting season, which may last longer than 30 days. For animals, and specified parts thereof, that are periodically divided within the 30-day reporting period, the Service will require the person taking or participating in the taking of the animal and who possesses the specified parts to be responsible for presenting to the Service or authorized local representative for marking, tagging, and reporting purposes the animals, or specified parts thereof, within the 30-day period. For example, if a crew of hunters in one boat takes several walrus and divides the animals, or parts thereof, at the end of a one-day or multi-day hunt (but within the 30-day period), each individual hunter who participated in the taking must report those animals attributed to him/her and present for marking, tagging, and reporting purposes those parts in his/her possession. However, if the animals, or specified parts thereof, are not divided until the end of a hunting season lasting longer than 30 days, then the boat captain would be considered as the person taking or who participated in the taking and who possesses the animals and parts thereof, and therefore the boat captain must report the taking and present the parts for marking, tagging, and reporting purposes within the 30-day period.

Several commenters questioned if an Alaskan Native who harvests a sea otter, polar bear, or walrus must be the one who presents the animal, or specified parts thereof, for marking, tagging, and reporting purposes. The concern was for Natives or registered agents/tanneries who had not actually participated in the taking of the animals but had acquired the animal or specified parts from the one who did. Although the proposed rule was not clear, this final rule requires that the specific person taking or who participated in the taking of a sea otter, polar bear, or walrus and who possesses the animal and specified parts thereof, is required to report the taking as well as present the specified parts for marking, tagging, and reporting purposes. The Service believes that the accuracy of the biological and harvest data would be significantly diminished if a proxy is allowed to report the taking and present the specified parts for marking and tagging. Once the animal has been reported and the specified parts marked and tagged, the parts can then be traded, bartered, sold to, or otherwise possessed by, other Alaskan Natives or registered agents/tanneries.

Several commenters asked if an ivory tusk could be carved into handicraft items before it was marked or tagged. The final rule requires that all specified parts (skull, ivory, and skins) be marked or tagged prior to modifying them into handicrafts. Because of the intended availability of Service employees and authorized local representatives, Natives should not encounter a delay in handicrafting parts due to the marking and tagging requirements.

A commenter indicated that submitting paired tusks of an individual walrus is unrealistic because the tusks are sometimes taken without the nose plate, i.e., extracted separately, and may become separated. As such, it may be difficult to ensure tusks are accurately paired. The Service understands such difficulties and requires that tusks are paired to the maximum extent practical. The Service believes that submitting the tusks in pairs will help reduce the likelihood of double counting harvested walrus; such double counting would diminish the accuracy of the harvest data.

A few commenters were concerned about adequate funding for implementing the new rule. The Service considers this rule to be an important management tool and intends to ensure an appropriate level of funding

Several commenters asked if marine mammal teeth, bones (including bacula), and other unspecified parts must be marked and tagged under the rule. The Service only requires polar bear and sea otter hides and skulls, and walrus tusks to be marked and tagged because animals are not normally taken specifically for other parts, and the other parts are not entering the market place to a significant extent.

One individual commented that walrus hunters should forget the ivory and only bring home the meat. While it is unlikely to happen very often, the Service recognizes that the possibility exists that specified parts of harvested polar bear, walrus, and sea otter might not be collected and provided for purposes of marking, tagging, and reporting because said animals were killed only for their meat or other nonspecified parts. Any such instances would weaken the intent of, and purpose behind, this implementing regulation. Therefore, the final rule has been clarified to indicate that no marine mammal, or any parts thereof, taken pursuant to section 101(b) of the Act, can be lawfully transported (except for reporting purposes) or exported unless and until the specified parts thereof have been presented for marking, tagging, and reporting. Possession of such parts is unlawful if the marine mammal or specified parts are not presented for marking, tagging, and reporting within 30 days of the date of taking. Using the commenter's statement, therefore, an Alaskan Native who harvests a walrus for its meat may retain the meat lawfully so long as the tusks are presented for marking, tagging, and reporting purposes under this rule. Once this rule is complied with, the Native need not retain the marked ivory in order to validate his/her continued possession of the meat. The Service recognizes that walrus calves are taken for meat and, depending on age, may not have tusks to mark. In such cases the hunter would be required to report the harvest of the animal.

A commenter wanted to know who had the burden of proof for establishing the date of take in the context of compliance with the 30- and 180-day reporting periods. If an issue arises as to whether the regulations have been followed, the Native that took or participated in the taking of the animal and who possesses the animal, or specified parts thereof, or the registered agent/tannery in the case of parts in their possession, has the burden of establishing the date of taking or possession in the context of the 30- and 180-day reporting periods.

Several commenters questioned the Service's need for reporting information on caliber of rifle and mode of transportation used during the take. The Service believes such information is not at this time important to achieving the specified purposes of the rule which is to collect information on the level of harvest, the biology (sex and age) of animals taken, and the effect of the harvest on the populations. Although the requirement for reporting information on rifle caliber and transportation has been deleted in the final rule, the collection of such information has been authorized by the Office of Management and Budget and may be collected on a voluntary basis.

Some commenters asked when the regulation would go into effect. Another commenter recommended that a public education program be developed regarding the Native take provisions of the Act and this regulation. This final regulation will be effective 120 days after its publication in the Federal Register. This will give the Service adequate time to coordinate the final regulations with, and develop educational materials for, Native organizations, people in villages, and other interested persons. It will also give the Service time to complete an implementation plan, hire personnel, obtain tags, and complete/print reporting forms.

Several commenters requested that the Service hire local residents to be the Service's authorized local representatives for the purposes of marking, tagging, and reporting of animals, or specified unhandicrafted parts thereof. The Service intends to implement this rule by hiring local residents, to the maximum extent practical, to act as the Service's authorized local representatives.

A commenter requested that the regulations be translated into Inupiat. The Service does not routinely translate its materials into Native languages; however, they do when there is a real or perceived need. Alaskan Natives include many races, about 20 languages, and numerous dialects. The languages and dialects are so different that conversation is at least difficult if not impossible between races and villages. Natives in many villages are bilingual, although elders in the more remote villages speak English with difficulty. Because Native languages were spoken languages and only recently have some written versions been created, elders may have more difficulty in reading their language than understanding English. Consequently, the Service sees little usefulness in translating the regulations but will make every effort to use translators during spoken educational programs concerning these regulations.

A few commenters were concerned about how the harvest information would be used and that this regulation would either inhibit or increase the take of marine mammals. Again, the purposes of the regulation are to monitor the harvest, collect biological information, and determine the effects of taking on sea otter, polar bear, and walrus populations. The regulation will also be used to help control the illegal take and trade of specified parts. There is no intent or purpose in these regulations to either inhibit or increase the level of harvest of animals, or to use the information to allow sport hunting, setting of quotas, or for non-wildlife conservation purposes.

A commenter indicated that there was no need to implement this rule because the harvest information could be collected on a voluntary basis. The Service has operated a small-scale and voluntary harvest monitoring program for walrus and polar bear since 1980. The voluntary program worked well in some locations and poorly in others. Although the Service marked and tagged polar bear hides and skulls, walrus ivory and sea otters and their parts have never been marked, tagged, or monitored by the Service. The goal of the Service concerning these regulations is threefold: to collect harvest information systematically; to get an accurate account year-round of the total harvest of animals; and to mark and tag the parts of marine mammals entering the marketplace to assist in reducing illegal trade of such parts. Although the Service's voluntary monitoring program has met with some success in the past, we believe that mandatory reporting and a more systematic data collection effort as required by these regulations will produce a more accurate account of the year-round harvest of walrus, polar bear, and sea otter and of the parts entering the marketplace.

A few commenters asked if the Service was going to require evidence, when parts are presented for marking, tagging, and reporting purposes, that the individual is a Native. The Service, as a matter of routine, does not require such evidence. When the Service investigates possible violations of the Act and its implementing regulations, the burden is on the person being investigated to prove he/she is an Alaskan Native eligible to participate in taking of marine mammals under section 101(b) of the Act.

A commenter asked if State-tagged or partially handicrafted ivory needed to be marked, tagged, and reported. ("State-tagged" ivory refers to walrus ivory taken or collected during the period in which marine mammal management authority was transferred to the State of Alaska for walrus, *i.e.*, April 1976 through July 1979). Since the parts are already altered or have been tagged and accounted for by the State, the Service will not require either to be marked, tagged, or reported.

An individual asked if the Service would allow Natives to vote for or against the regulations. Another commenter thought that the Service was exceeding its authority in implementing the regulations. First, Congress specifically authorized the program of reporting harvest information and, as such, the Service has not exceeded its authority. Secondly, regulations are not voted on but rather are implemented at the discretion of the Secretary of Interior as guided by the Act. As previously documented, the Service went through a lengthy and involved process to obtain the opinions of many persons concerning the proposed regulations. Additionally, the Service does not believe it is necessary to produce a second set of proposed regulations as there were no significant or substantial changes between the proposed and final regulations.

A few commenters were concerned that the regulations only covered "legally" taken animals. The Service acknowledges this shortcoming in the proposed regulations and has revised the final rule to cover any polar bear, walrus, and sea otter taken or collected for subsistence or handicraft purposes. This clarification is consistent with the Service's goal of getting the best possible information on the total level of subsistence and handicraft harvest of marine mammals. It is emphasized the act of marking and tagging the specified parts of a marine mammal under the provisions of this rule does not legalize the continued possession of such parts if the mammal had been unlawfully taken.

A commenter was confused by the proposed provisions requiring a person either to report within 30 days or to "tender immediately" an animal or specified parts thereof. The Service agrees and has deleted the requirement to "tender immediately" an animal or part for reporting, or marking and tagging purposes. The 30- and 180-day requirements remain unchanged from the 1985 Proposed Rule.

One commenter asked about monetary rewards for providing the information required by this regulation. Although the Service has paid, at times, for the acquisition of walrus teeth, reproductive tracts, stomachs, and other items used in research projects, the Service will not be paying for harvest information required by these regulations.

A few commenters inquired if this new regulation would provide economic opportunities to Natives and villages. The purpose of the regulation is to gather information concerning the harvest, biology and the effects of taking on marine mammal populations. There was no Congressional intent to provide economic opportunities to the villages. However, because the Service will be hiring authorized local representatives to the maximum extent practical, the implementation of this regulation may have a small positive impact on local village economies.

Some commenters asked if the proposed rule would have any bearing on the State's resumption of management. This regulation has no bearing on the transfer of management to the State because the State has no obligation to continue this marking, tagging, and reporting program should they resume management in the future; however, the State did have a similar program when they managed marine mammals.

A new paragraph (8) in the final regulation calls for the return to the Service of equipment and other items used for research purposes and attached to animals taken by Natives. The Service expects Natives to return such federally-owned research equipment when reporting animals and presenting specified parts for marking and tagging purposes. This new provision is inserted to provide notice of the Service's continued ownership interest in this research equipment. The Service does not intend to assess penalties under the authority of the Act if violations of this paragraph occur. However, penalties may be pursued under other applicable Federal laws.

Description of the Final Rule

The regulations contained in 50 CFR Part 18 implement the Act (16 U.S.C. 1361–1407), as amended. Under the terms of this Act, the Secretary of the Interior is authorized to prescribe regulations requiring the marking, tagging, and reporting of polar bear, walrus, and sea otter taken by Indians, Aleuts, and Eskimos residing in Alaska and dwelling along the coast of the North Pacific or Arctic Oceans for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing. This final rule implements this marking, tagging, and reporting provision.

The Service believes that mandatory polar bear, walrus, and sea otter marking, tagging, and reporting regulations must be established, as described herein, to provide harvest and biological data on marine mammals taken by Alaskan Natives to assist the Service in assessing the population dynamics of these species or stocks and to help in controlling the illegal take, trade, and transport of specified raw marine mammal parts.

The need for this rule relates to the Act itself that exempted the non-wasteful taking, generally without restriction, of polar bear, walrus and sea otter by any Indian, Aleut, or Eskimo residing in Alaska and dwelling on the coast of the North Pacific or Arctic Oceans. The Act limits the Department of the Interior, through the Service, in its authority to regulate this harvest until after a species or stock is found to be depleted. Current attempts to measure the harvest of polar bear and walrus are inadequate. There is little information on the take of sea otters. Mandatory marking, tagging, and reporting is considered essential to improve the Service's management decisionmaking and the quality and quantity of harvest and biological data upon which future management decisions will be based.

When implemented, this rule will require, no later than 30 days from the date of taking, mandatory marking, tagging, and reporting of polar bear, walrus, and sea otter, or specified unhandicrafted parts thereof, taken by Alaskan Natives. Reporting will require that the date of take, sex of animal, and location of take or location of the animal if beach-found or found floating, be provided to, or collected by, a Service employee or an authorized Service representative on approved forms provided by the Service. Marking and tagging will require the attachment of an approved tag or the use of some other marking devices or materials to the specified unhandicrafted parts.

An exception to the 30-day reporting period is provided for the marking and tagging of polar bear, walrus, and sea otter, or specified unhandicrafted parts thereof, if taken between December 21, 1972 (the effective date of the Act), and the effective date of this regulation. The maximum 180-day period for marking and tagging provided by this exception is intended to allow those Natives and registered agents/tanneries in possession of specified raw and unhandicrafted marine mammal parts (including tanned skins) legally taken since enactment of the Act reasonable time to present the unhandicrafted parts for marking and tagging purposes. The retroactive effect of this provision is considered essential to reduce and control the illegal take, trade, and transport of specified raw and unhandicrafted marine mammal parts. While this provision requires that all specified unhandicrafted parts of polar bear, sea otter, and walrus (harvested between December 21, 1972, and the effective date of this regulation) be presented for marking and tagging purposes within 180 days upon implementation of this regulation, the Service will not require that: (1) Specified unhandicrafted parts from a given animal be presented together for marking and tagging purposes; and (2) Alaska Natives and registered agents/tanneries report information on sex, location of take, and date of take of such animal(s). Any data gathered about animals taken that long ago would likely not be accurate and have little value for statistical and management purposes.

Required Determinations

Based on a review and evaluation of the information contained in an Environmental Assessment completed by the Service, it has been determined that this final rule implementing a specific 1981 amendment to the Act concerning the marking, tagging, and reporting of certain marine mammals taken by Alaskan Natives is not a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969. Accordingly, the preparation of an Environmental Impact Statement on this rule is not required.

Based on the information contained in the Determination of Effects of Rule completed by the Service, the Department of the Interior (Department) has determined that this is not a major rule and does not require preparation of a regulatory impact analysis under Executive Order 12291.

The Department has also determined and certified that this final rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. The only foreseeable economic impact resulting from this rule is travel expenses incurred by hunters to comply with the rule. Since the Service expects to have its personnel or authorized local representatives stationed in, or available to all villages in which marine mammals are harvested, such costs to the public are expected to be minimal.

The Environmental Assessment and the Determination of Effects of Rule are on file and available for public inspection during regular business hours of 8:00 a.m. to 4:30 p.m. in the Office of Public Affairs, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Copies may also be requested in writing from this address.

Information Collection Requirements

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and assigned clearance number 1018–0066. The information to be collected is needed to assist the Service in monitoring the harvest of polar bear, walrus, and sea otter, and in obtaining essential biological data needed to improve the management of these marine mammal species or stocks. The information should also assist in controlling the illegal take, trade, and transport of specified marine mammal parts. The marking, tagging, and reporting is mandatory to legally possess, transport or export marine mammals or specified parts thereof.

This final rule was prepared by Kenton D. Wohl, Chief, Marine and Coastal Resources, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503, and Jeffrey L. Horwath, Wildlife Biologist, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Washington, DC 20240.

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Imports, Indians, Marine mammals, Transportation.

Accordingly, the Service amends 50 CFR Part 18 as shown below.

PART 18—[AMENDED]

1. The authority citation for 50 CFR Part 18 is amended to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. Amend 50 CFR Part 18—Marine Mammals, Subpart C—General Exceptions, § 18.23 by adding paragraph (f)—Marking, tagging, and reporting, as follows:

§ 18.23 Native exemptions.

* * * * *

(f) *Marking, tagging, and reporting.* (1) In addition to definitions contained in the Act, 50 CFR 18.3, and 50 CFR 18.27, in this paragraph (f):

(i) The term "marking and tagging" of marine mammals as specified in section 109(i) of the Act refers to the actual physical attachment of an approved band or other such marking device or technique to the raw or unhandicrafted (including unmarked tanned skins) skin and skull of polar bears, the tusks of walruses, and the skin and skull of sea otters; and

(ii) The term "reporting" means the collection by Service personnel or the Service's authorized local representatives of biological data, harvest data, and other information regarding the effect of taking of marine mammals on populations, the collection of which the Service determines to be necessary for management purposes. Reporting will be done on forms provided by the Service upon presentation for marking, tagging, and reporting purposes of the marine mammal(s) or specified raw or unhandicrafted parts thereof.

(2) Notwithstanding the preceding provisions of this section, but subject to the provisions and conditions contained in this paragraph, no polar bear, walrus, or sea otter, or any parts thereof, taken or collected by an Alaskan Native for subsistence purposes or for purposes of creating and selling authentic Native articles of handicrafts and clothing may be possessed, transported within, or exported from Alaska unless the animal(s), or specified parts thereof, have been reported to, and properly marked and tagged by, Service personnel or the Service's authorized local representative: except:

(i) An Alaskan Native that harvested or participated in the harvest of a polar bear, sea otter, or walrus and who possesses the animal, or any parts thereof, may possess the unmarked, untagged, and unreported animal(s), or parts thereof, for a period of time not to exceed 30 days from the time of taking for the purpose of transporting the specified parts to Service personnel or the Service's local authorized representative for marking, tagging, and reporting;

(ii) Alaskan Natives and registered agents/tanneries may possess the specified unmarked or untagged raw, unhandicrafted, or tanned parts thereof for a period of time not to exceed 180 days from the effective date of this rulemaking for the purpose of transporting to Service personnel or the Service's local authorized representative for marking and tagging if the specified parts thereof were taken or possessed between December 21, 1972, and the effective date of this regulation. There is no reporting requirement for marine mammals, or specified parts thereof, covered by this paragraph.

(3) Those unmarked, untagged, and unreported specified parts of polar bear, walrus, and sea otter, that must be presented to Service personnel or an authorized Service representative for marking, tagging, and reporting are as follows:

(i) Polar bear—skin and skull.

(ii) Walrus—tusks.

(iii) Sea otter—skin and skull.

(4) The locations where Service personnel or the Service's authorized local representative will be available for marking, tagging, and reporting purposes will be announced annually by the Alaska Regional Director. Local persons authorized to act as representatives for marking, tagging, and reporting purposes in the absence of Service personnel will also be announced annually by the Alaska Regional Director.

(5) Marks and tags will be attached or applied to the skins, skulls, and tusks of the marine mammal(s) in such a manner as to maximize their longevity and minimize their adverse effects to the appearance of the specified parts that might result due to hindering the tanning or handicrafting of skins, or the handicrafting of tusks or skulls. If the tag or mark comes off of the specified part the person in possession of the part shall have 30 days to present the part and broken tag or other marking device to the Service or the Service's authorized local representative for remarking or retagging purposes.

(6) Marks and tags for skins, skulls, and tusks will be provided by the Service. They will be numbered for accountability and of such design, construction, and material so as to maximize their durability and longevity on the specified parts.

(7) Data collected pursuant to this paragraph will be reported on forms provided by the Service and maintained in the Service's Regional Office, Anchorage, Alaska. The Service will summarize the data annually and make it publicly available. The data will also be included in the Service's annual report to Congress as set forth in section 103(f) of the Act.

(8) All items of research (e.g., radio collars, satellite transmitters, tags, etc.) that were attached to animals taken by Alaskan Natives must be returned to Service personnel or an authorized Service representative at the time the animal, or specified unhandicrafted parts thereof, are presented for marking, tagging, and reporting. No penalty will be imposed under the Act for a violation of this paragraph. However, penalties may be sought by the Service under other applicable Federal laws governing the possession and use of Federal property.

(9) Pursuant to this paragraph (f), the following specific conditions and provisions apply:

(i) Marking, tagging, and reporting of polar bears or specified parts thereof.

(A) The skin and skull of an animal must accompany each other when presented for marking, tagging, and reporting except that the skin and skull of an animal need not be presented together for marking and tagging purposes if taken between December 21, 1972, and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section, the following information must be reported by Alaskan Natives when presenting polar bears, or specified parts thereof, for marking and tagging: sex of animal, date of kill, and location of kill.

(C) Both the skin and the skull will be marked and tagged and a rudimentary pre-molar tooth may be removed from the skull and retained by the Service. The skin must have the sex identifiers. such as vaginal orifice. teats. or penal sheath or baculum. either attached to. or accompanying the skin.

(D) The skull must be skinned out and the skin may be frozen or unfrozen when presented for marking. tagging. and reporting. If the skin is frozen. the sex identifiers. such as vaginal orifice. teats. penal sheath or baculum. must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(ii) Marking. tagging. and reporting of walrus or specified parts thereof.

(A) The paired tusks of the animal(s) must. to the maximum extent practical. accompany each other when presented for marking. tagging. and reporting purposes. except that paired tusks need not be presented together for marking and tagging purposes if taken between December 21. 1972. and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section. the following information must be reported by Alaskan Natives when presenting walrus. or specified parts thereof. for marking and tagging: date of take. sex of animal. whether live-killed. floating-dead. or beach-found. and location of the take or location of animal if found floating and dead or beach-found.

(C) Marks and/or tags must remain affixed to the tusks until they have been crafted into a handicraft or for as long as is practical during the handicrafting process.

(iii) Marking. tagging. and reporting of sea otter or specified parts thereof.

(A) The skin and skull of an animal must accompany each other when presented for marking. tagging. and reporting. except that the skin and skull of an animal need not be presented together if taken between December 21. 1972. and the effective date of this regulation.

(B) Except as provided in paragraph (f)(2)(ii) of this section. the following information must be reported by Alaskan Natives when presenting sea otters. or specified parts thereof. for marking and tagging: date of kill. sex of animal. and location of kill.

(C) Both the skin and skull will be marked and tagged and a rudimentary pre-molar tooth may be removed from the skull and retained by the Service. The skin must have the sex identifiers. such as vaginal orifice. teats. or penal sheath or baculum. either attached to. or accompanying the skin.

(D) The skull must be skinned out and the skin may be frozen or unfrozen when presented for marking. tagging. and reporting. If the skin is frozen. the sex identifiers. such as vaginal orifice. teats. or penal sheath or baculum. must be visible.

(E) Marks and tags must remain affixed to the skin through the tanning process and until the skin has been severed into parts for crafting into handicrafts or for as long as is practical during the handicrafting process.

(10) No person may falsify any information required to be set forth on the reporting form when the marine mammal(s). or specified parts thereof. are presented as required by these regulations.

(11) Possession by any person of marine mammal(s). or any parts thereof. in violation of the provisions and conditions of this § 18.23(f) is subject to punishment under the penalties provided for in section 105(a)(1) of the Act.

(12) The information collection requirements contained in this § 18.23(f) have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1018–0066. The information is mandatory in order to have the marine mammal parts "marked and tagged." and thereby made eligible for continued lawful possession. Non-response may result in the Service determining the wildlife to be illegally possessed and subject the individual to penalties under this title.

Date: June 8. 1988.

Susan Recce.

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 88–14495 Filed 6–27–88; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 20

Migratory Bird Hunting; Zones in Which Lead Shot Will Be Prohibited for the Taking of Waterfowl, Coots, and Certain Other Species in the 1988–89 Hunting Season

AGENCY: Fish and Wildlife Service. Interior.

ACTION: Final rule.

SUMMARY: The use of lead shot in waterfowl hunting poses an unnecessary risk to certain migratory birds because when the spent shot is consumed it often produces lead poisoning and death. Accordingly. this proposed rule describes the zones in which the use of lead shot is prohibited for hunting waterfowl. coots and certain other species in the 1988–89 season. The zones described consist of (1) the same areas that were already identified as nontoxic shot zones for waterfowl and coot hunting in § 20.108 of Title 50 of the Code of Federal Regulations (50 CFR) for the 1987–88 hunting season. (2) the added counties identified for 1988–89 in Appendix N of the Final Supplemental Environmental Impact Statement (SEIS) on the Use of Lead Shot for Hunting Migratory Birds in the United States (see Table 1 in Supplementary Information) and (3) those additional areas identified by the States where acceleration of the nontoxic shot phase-in schedule is considered appropriate because of potential administrative. enforcement and/or lead poisoning problems. States that have declared a statewide ban on the use of lead shot for waterfowl and coot hunting are so noted. Additionally. this rule amends existing regulations to include: (a) The United States territorial waters beyond State boundaries. the State of Alaska. and the Commonwealths of Puerto Rico and the Virgin Islands in the nationwide ban on the use of lead shot for waterfowling and (b) redefinition of terms to incorporate the concept of multiple species in the 50 CFR aggregate bag definition. The proposed requirement regarding the use of nontoxic shot for taking captive-reared mallards in nontoxic shot zones will be addressed in a separate final rulemaking.

EFFECTIVE DATE: June 28. 1988.

FOR FURTHER INFORMATION CONTACT: Dr. Rollin D. Sparrowe. Chief. Office of Migratory Bird Management. U.S. Fish and Wildlife Service. Room 536. Matomic Building. Washington. DC [illegible]0240 (202/254–3207).

SUPPLEMENTARY INFORMATION: This rule implements the second year (1988–89) of the 5-year component of the strategy to phase-in a nontoxic shot requirement for waterfowl hunting nationwide by 1991–92. as set out by the preferred alternative of the Final SEIS on the Use of Lead Shot for Hunting Migratory Birds in the United States published in June 1986 (FES 86–16). The SEIS and consequent rulemakings imposing nontoxic shot requirements result from the Secretary of the Interior's responsibilities under the Migratory Bird Treaty Act (MBTA). as amended (16 U.S.C. 703 *et seq.*; 40 Stat. 755). and the Endangered Species Act (ESA) of 1973. as amended (16 U.S.C. 1531–1543; 87 Stat. 884). to decide whether. where and how migratory bird hunting will be allowed. A critical element in the

(1) That the information claimed to be confidential is a trade secret or commercial or financial information in accordance with statutory and decisional authority, and

(2) That measures have been taken by the submitter of the information to ensure that the information has not been disclosed or otherwise made available to the public, or, if the information has been disclosed or otherwise become available to the public, why such disclosure or availability does not compromise the confidential nature of the information. In the event of a subsequent request for any portion of the data under the FOIA, those submissions not so claimed by the submitter will be disclosed, and those so claimed will be subject to the initial determination by the Secretary, Maritime Administration. If the Secretary makes a determination unfavorable to the submitter, the submitter will be advised that MARAD will not honor the request for confidentiality at the time of any request for production of information under the FOIA by third parties.

§ 382.3 Determination of fair and reasonable rates.

(a) *Cost Components.* Fair and reasonable rates for the carriage of bulk preference cargoes on U.S.-flag bulk commercial vessels shall include an operating cost component, a capital cost component, a port cargo handling cost component, and a brokerage and overhead component.

(b) *Operating cost component (1) General.* An operating cost component based on the average operating costs, except fuel, of participating bulk vessels within a category of bulk vessels shall be determined on the basis of operating cost data for the calendar year immediately proceeding the current year submitted in accordance with 382.2. The cost component shall include two segments, operating costs and fuel.

(2) *Operating Cost Segment.* The operating cost segment shall include all costs relating to vessel operations except fuel and shall include non-fuel expense categories as defined by 46 CFR Part 232.1 (for purposes of this part charter hire expenses are not considered operating costs), Form MA-172, Schedule 301, Operating Expenses. Such data shall be escalated by MARAD to the current year.

(3) *Fuel Segment.* Fuel costs shall be determined individually based on the actual fuel consumptions, at sea and in port, of each vessel and current fuel prices.

(4) *Vessel Categories.* Vessels shall be categorized by type and size as follows: Group I—self-propelled ships and fully integrated tug/barge units under 27,000 DWT; Group II—self-propelled ships and fully integrated tug/barge units, 27,000-55,000 DWT; Group III—self-propelled ships and fully integrated tug/barge units of over 55,000 DWT; Group IV—tug/barge combinations under 12,000 DWT; and Group V—tug/barge combination of 12,000 DWT and over.

(c) *Capital Component. (1) General.* A capital cost component shall be constructed for each eligible vessel consisting of vessel depreciation, interest, return on working capital, and return on equity.

(2) *Items included.* The capital cost component shall include:

(i) *Depreciation.* The owner's actual construction cost, reconstruction cost or purchase cost shall be depreciated straight-line based on a 25 year economic life, unless the owner has purchased or reconstructed the vessel when its age was greater than 15 years old. When vessels more than 15 years old are purchased, a depreciation period of 10 years shall be used. When vessels more than 15 years old are reconstructed, MARAD will determine the depreciation period. The residual value of the vessel shall be assumed to be 2.5 percent of total capitalized cost.

(ii) *Interest.* The cost of debt shall be determined by applying the vessel owner's actual interest rate to the outstanding vessel indebtedness. It shall be assumed that original vessel indebtedness is 75 percent of the owner's capitalized vessel cost and that principal payments are made in equal installments over a 25-year period. If an actual interest rate is not available, the prevailing rate of interest for Title XI financing at the time of capitalization shall be used.

(iii) *Return on working capital.* Working capital shall equal the dollar amount necessary to cover one-half the operating and voyage costs of the vessel for the voyage. The rate of return shall be based on an average of the most recent return on stockholders' equity for a cross section of transportation companies, including maritime companies.

(iv) *Return on equity.* The rate of return on equity shall be determined as in paragraph (c)(2)(iii) of this section. For the purpose of determining equity it shall be assumed that the vessel's constructed net book value, less constructed principal outstanding, is equity. The constructed net book value shall equal the owner's capitalized cost minus accumulated straight-line depreciation.

(3) *Voyage component.* The annual depreciation, interest, and return on equity shall be divided by 335 vessel operating days to yield the daily cost factors. Total voyage days are applied to the daily depreciation, interest, and return on equity factors and totaled with the return on working capital for the voyage to determine the daily capital cost component.

(d) *Port and cargo handling cost component.* MARAD shall calculate an estimate of all port and cargo handling costs. The port and cargo handling cost component shall be based on information submitted in accordance with § 382.2(c) and shall be determined on the basis of cargo tender terms.

(e) *Brokerage and Overhead Component.* An allowance for broker's commission and overhead expense of 4.0 percent shall be added to the sum of the operating cost component, the capital cost component, and the port and cargo handling cost component.

(f) *Determination of voyage days.* The following assumptions shall be made in determining the number of preference cargo voyage days:

(1) The voyage shall be round-trip with the return in ballast, unless it is known that the vessel will be scrapped or sold immediately after discharge of the preference cargo. In this event, only voyage days from the load port to the discharge port shall be included.

(2) Cargo is loaded and discharged as per cargo tender terms interpreted in accordance with the "International rules for the interpretation of trade terms (INCOTERMS)".

(3) Total loading and discharge time includes the addition of a factor to account for delays and Sundays and holidays not worked.

(4) One extra port day is included at each bunkering port.

(5) An allowance shall be included for canal transits, when appropriate.

(6) Transit time shall be based on the vessel's normal operating speed, and shall include an additional five (5) percent to account for weather conditions.

(g) *Determination of cargo carried.* The amount of cargo tonnage used to calculate the rate shall be based on the charter party terms. However, in no case shall less than 70 percent of deadweight be used for rate calculation purposes.

(h) *Total rate.* The fair and reasonable rate shall be the total of the operating cost component, the capital cost component, the port and cargo handling cost component, and the broker's commission and overhead component divided by the amount of cargo carried, expressed as cost per ton.

By order of the Maritime Administrator.

Date: June 22, 1988.

James E. Saari,

Secretary.

[FR Doc. 88-14490 Filed 6-27-88; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

Small Take Exemption for Taking of Marine Mammals Incidental to Commercial Fishing Operations, and Taking by Federal, State, and Local Government Officials

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of 30-day extension of comment period.

SUMMARY: The Fish and Wildlife Service gives notice that it is extending the comment period for regulations proposed to amend 50 CFR Part 18 to implement sections 101(a)(4) and 109(h) of the Marine Mammal Protection Act of 1972 (Act) as amended in October 1981. Section 101(a)(4) of the Act provides a procedure for applicants to qualify for an exemption to the Act's moratorium on the taking of marine mammals for the incidental, but not intentional, taking of small numbers of non-depleted marine mammals by U.S. commercial fishermen. Section 109 of the Act allows the taking of marine mammals by Federal, in addition to State or local, government officials or employees or designees under section 112(c) if it is done in the course of his/her duties as an official, employee or designee and if it is done consistent with the requirements of section 109(h). By request, the comment period is being extended for 30 days.

DATE: Comments on the proposed rule will now be accepted through July 28, 1988.

ADDRESS: Comments should be submitted to the Chief, Division of Fish and Wildlife Management Assistance, 514 Matomic Building, U.S. Fish and Wildlife Service, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Lynn B. Starnes, Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Washington, DC, (202) 632-2202, or Jon Nickles, Supervisor, Marine Mammal Management, U.S. Fish and Wildlife Services, Anchorage, Alaska, (907) 786-3492.

SUPPLEMENTARY INFORMATION: A proposed rule to amend existing regulations at 50 CFR 18.22 (Taking by Federal, State or local government officials) and to adopt new regulations at 50 CFR 18.24 (Taking incidental to commercial fishing operations; small take exemption) was published in the Federal Register on April 12, 1988 (53 FR 12043). The proposed rule included a 60-day period, ending June 13, 1988, for submitting comments. Since several interested parties have requested additional time for the proposal to be reviewed, the Fish and Wildlife Service has decided to extend the comment period for another 30 days to ensure that all affected entities have ample opportunity to provide comments.

Author

The author of this notice is Jeffrey L. Horwath, Wildlife Biologist, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Washington, DC 20240.

Authority

16 U.S.C. 1361 *et seq.*

List of Subjects in 50 CFR Part 18

Administrative practice and procedure, Imports, Indians, Marine mammals, Transportation.

Date: June 21, 1988.

Frank Dunkle,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 88-14496 Filed 6-27-88; 8:45 am]

BILLING CODE 4310-55-M

THE ALASKA SEA OTTER COMMISSION

3300 C STREET
ANCHORAGE, ALASKA 99503
(907) 563-2891

January 12, 1989

Mr. Frank Dunkle, Director
U.S. Fish and Wildlife Service
P.O. Box 28006
Washington, D.C. 20038-8006

Regarding the Federal register notice involving sea otters; published on November 14, 1988; entitled: "Marine Mammals; Native Exemption."

The Alaska Sea Otter Commission strongly disagrees with the proposed ruling which will impose further restrictions on uses of sea otters by Alaska Natives. We find the proposed rule to be inconsistent with Congressional intent as set forth in the Marine Mammal Protection Act (MMPA). It is also inconsistent with sound management principals given the overabundance of animals in some locales. From a technica perspective we consider the document to be severely lacking. The historical record is surprisingly deficient in content and what little information is presented is factually incorrect. The underpinning for the justification inappropriately rests on an argument of what Congress did not intend rather than on what it did intend. This improper basis has resulted in a twisted rationale and the introduction of novel interpretations of the MMPA that are not rooted in the Act itself.

The prohibitions to cottage industries in the proposal are inconsistent with existing policies for walrus, polar bear, and othe sea mammals. Thus, rather than superseding the "inconsistent Servic policy guidelines" as stated in the proposed rule, the Service is merely introducing another inconsistent policy into the already muddled mess.

Perhaps most distressing of all is the blatant disregard the Service continues to display toward the preservation of Native culture. This proposed rule is one more in a series of "incremental losses" of Native culture in Alaska. Whether the Service has concocted this proposed rule out of ignorance or is motivated by some other less honorable motive is not within our ability to discern. However, the Commission perceives the proposed rule to be an oppressive "edict" that perpetuates the domination and oppression instituted by the Russians two centuries ago.

On a more positive note, we want you to know that the Commission stands ready to work cooperatively with the Service and the State of Alaska to develop a reasonable and sound sea otter management plan. Work on such a plan would proceed much better if it could be approached positively by respective parties. It is unfortunate that the Service has placed the Native community in a reactive mode by promulgating the proposed ruling without first working directly with affected users.

It is our intention to pursue sound management of sea otters in Alaska. We request that the Service redirect its efforts away from its present confrontational approach by withdrawing the proposed rule and adopt a more positive direction that will better serve the species, Alaska Native users and the general public.

Additional details supporting our request for withdrawing the proposed rule are provided as follows:

1) **REGARDING CONGRESSIONAL INTENT:** IT IS IMPROPER FOR THE SERVICE TO PERPETUATE PROHIBITIONS OF SEA OTTER USES BASED ON OPPRESSIVE LAWS INTRODUCED BY THE RUSSIANS RATHER THAN ON THE MMPA PASSED BY THE U.S. CONGRESS. THIS APPROACH HAS RESULTED IN A TWISTED RATIONALE DEVELOPED AROUND A NOTION OF WHAT CONGRESS DID NOT INTEND RATHER THAN ON WHAT IT DID INTEND. ALSO, IT IS DIFFICULT TO UNDERSTAND WHY THE USF&WS IS SO CONFUSED BY THE CLEAR, STRAIGHTFORWARD LANGUAGE IN THE MMPA. THE MEANING AND INTENT OF THE ACT IS ABOUT AS CLEAR AS WORDS CAN BE. THE ACT SAYS "YES" TO ALASKA NATIVES AND THE SERVICE SAYS "NO." IT'S THAT SIMPLE. THE SERVICE HAS TWISTED THE CLEAR PURPOSES OF THE ACT TO THE POINT THAT INTENDED PROVISIONS FOR NATIVES WILL BE ELIMINATED BY THE PROPOSED RULE. IF THE PROPOSED RULE PASSES IT WILL DEMONSTRATE THAT THE LAW ENFORCEMENT BRANCH OF THE USF&WS IS MORE POWERFUL THAN CONGRESS. THE COMMISSION STRONGLY DISAGREES WITH THE SERVICE'S PORTRAYAL OF CONGRESSIONAL INTENT AND REQUESTS THAT THE SERVICE WITHDRAW THE PROPOSED RULE.

   The proposed rule is based upon Russian law prohibiting Natives from using sea otters rather than on the MMPA which allows for uses to continue. This approach is fundamentally wrong. Action by the Service should be squarely based on the MMPA. Regardless of what was or was not allowed in the past the Service has an obligation to follow the provisions and intent of the law of our own U.S. Congress.

By attempting to perpetuate Russian law, the central purposes of the MMPA were violated. The proposed rule clearly violates the intent of Congress to preserve the cultural heritage of native people. We understand the provisions of the MMPA as follows:

1) **To protect and conserve sea otter populations.** Section 1361 states: "The Congress finds that certain species and population stocks of marine mammals are, or may be, in danger of extinction or depletion as a result of man's activities;" In light of this finding, Section 1371 states: "There shall be a moratorium on taking and importing marine mammals and marine mammal products, commencing on the effective date of this chapter ... except in the following cases:" Exceptions include the Native take and incidental loss due to commercial fishing operations.

2) **To preserve the cultural heritage and protect a traditional way of life of Alaska Natives in a way that includes economic benefits derived from sea otters.** Section 1371(a) states that: " ... the provisions of this chapter shall not apply with respect to the taking of any marine mammal by any Indian, Aleut, or Eskimo who resides in Alaska and who dwells on the coast of the North Pacific Ocean or the Arctic Ocean if such taking--

> (1) is done for subsistence purposes; or
> (2) is done for purposes of creating and selling authentic native articles of handicrafts and clothing: Provided, That only authentic native articles of handicrafts and clothing may be sold in interstate commerce:..."

3) **To provide a clear definition of "authentic native articles of handicrafts and clothing" that allows for continued development of native culture.** Subsection 1371(b) of the MMPA recognizes the right of coastal Alaskan Natives to take sea otter for the purposes of creating and selling authentic native articles of handicrafts and clothing. The only limitation applying to this provision is that the taking not be done in a wasteful manner. Subsection 1371(b)(2) provides the following clear definition of what Congress intended: "For the purposes of this subsection, the term "authentic native articles of handicrafts and clothing" means items composed wholly or in some significant respect of natural materials, and which are produced, decorated, or fashioned in the exercise of traditional native handicrafts without the use of pantographs, multiple carvers, or other mass copying devises. Traditional native handicrafts include, but are not limited to weaving, carving, stitching, sewing, lacing, beading, drawing, and painting."

This is about as clear as words can be. It is neither necessary nor appropriate for the Service to modify the definition provided by Congress. It is clear that Congress intended to allow Natives to use sea otters for subsistence and for making and selling handicrafts and clothing. Thus, the provisions of the Act allow for continued development of Native culture, whereas, the proposed will arrest the future evolution of Native culture.

Rather than follow the clear intent of Congress, the Service creates a "straw man" argument that Congress never intended "to promote expansion of Alaskan arts and crafts industries or the creation of new industries." Based upon this blatantly obvious point of what Congress did not intend, the Service proceeds: "Therefore, the Service interprets the Act and its existing regulations to prohibit the taking of sea otters by Alaska Natives for use in creating and selling handicrafts and clothing ..." Although it may be useful for the Service to know what Congress did not intend this should not be the basis upon which a proposed rule is constructed. Rather, the Service has the obligation to present what Congress did intend and use this as the basis for rule making.

With respect to what Congress did intend, the Service appeals to " the paramount objective of Congress to protect marine mammals ..." However, the Service fails to include biological data as a justification for the action. Also the Service fails to recognize that Congress finds the objective to preserve sea otters consistent with the parallel objective of allowing Native culture and traditional life-styles to continue ... including cottage industries.

Additional confusion is introduced by the Services' concept that the only permissible handicrafts and clothing are those that were being made at or before the passage of the Act. This is unfounded. The MMPA does not mention anything about limiting the types of handicraft and clothing items to those made at the time the Act was passed. If Congress wanted this interpretation it would have stated it. It would be absurd for the Service to uniformly apply this "interpretive rule" to all Acts passed by Congress. It is just as absurd in the present case.

2) **REGARDING CONSERVATION OF SEA OTTERS:** IN SOME AREAS OF THEIR RANGE SEA OTTERS APPEAR TO EXCEED THEIR CARRYING CAPACITY. CONSERVATION AND PROTECTION OF THE SPECIES BY THE MMPA HAS BEEN VERY SUCCESSFUL. NOW THAT THE POPULATION HAS, FOR THE MOST PART, RECOVERED AND IS RAPIDLY BECOMING OVERPOPULATED ATTENTION SHOULD BE DEVOTED TOWARD PROPER MANAGEMENT RATHER THAN ON IMPOSING FURTHER RESTRICTIONS ON USES. FURTHER, THE REDUCTION IN NATIVE USE OF SEA OTTER MAY BE DETRIMENTAL TO THE WELL BEING OF THE SEA OTTER POPULATION BECAUSE THE POPULATION IS PRESENTLY AT RISK OF OVER EXPLOITING ITS FOOD BASE. RATHER THAN IMPOSE FURTHER RESTRICTIONS WE REQUEST THAT THE SERVICE WORK COOPERATIVELY WITH THE ALASKA SEA OTTER COMMISSION, AFFECTED USERS AND OTHER APPROPRIATE AGENCIES TO DEVELOP A WELL REASONED COMPREHENSIVE MANAGEMENT PLAN FOR SEA OTTERS.

For thousands of years before the Russian oppression, Alaska Native people lived in balanced harmony with their natural resources, including the sea otter. There was a natural balance between our ancestors and the sea otter. Natives hunted sea otter whenever and whereever they could be found. When they were plentiful more were undoubtedly used than when they were scarce. But the point is, that they were always hunted and used as an integral part of the physical and spiritual life of the people. Use of the animals helped keep animal numbers in balance with their food base. Although the Russians interrupted this natural harmony, the MMPA has played an important part in preserving the species and providing the present opportunity of reestablishing a level of natural balance that allows use of the resource. We recommend that the appropriate vehicle for this is a comprehensive management plan for sea otters.

From a conservation perspective, the protection afforded by the Act created an "unnatural" condition which has allowed the species numbers to expand at an unprecedented rate. In several places in Prince William Sound sea otters have virtually eliminated crab, shrimp and other shellfish populations to the point of eliminating some commercial and subsistence fisheries and have exceeded their natural carrying capacity. In places, the health of the sea otter population at risk. According to the Service's data the total population in Alaska has exploded from approximately 30,000 animals to nearly 150,000. At this point in time, conservation and protection of the sea otter has been achieved over much of the otter's original range. Attention should shift toward finding ways to return the sea otter to a more natural condition when its population was living in balance with the entire ecosystem, ... including man.

3) HISTORICAL RECORD: THE HISTORICAL DATA PRESENTED BY THE SERVICE IS INADEQUATE AND FACTUALLY INCORRECT. THE SINGLE PARAGRAPH DEVOTED TO "HISTORIC USES" DOES NOT DO JUSTICE TO THE DATA AVAILABLE ON SEA OTTER USES. THE SERVICE HAS AN OBLIGATION TO PRESENT A THOROUGH OVERVIEW OF THE HISTORICAL FACTS.

The Service has an obligation to present a thorough overview of the historical facts. Yet, it has only presented small bits of information that inadequately describes the extent of the historical record and what is presented is factually incorrect. It is simply not true that "Since 1741, ... there has been virtually no use of sea otters by Alaska Natives." This statement conflicts with existing documented evidence and is based on the faulty assumption that all coastal Natives stopped using sea otters simply because the Russians made a law.

There is a significant body of documented literature and sworn statements that have been collected in connection with the litigation involving sea otters (Katelnikoff v. The United States Department of Interior). The data indicate that Native people have continued to use sea otters for their physical, spiritual and economic well-being. How can the Service make such a bold and inaccurate statement to the contrary in light of these data? If the Enforcement Branch of the Service does not have access to these data please notify us and we will provide it.

Even if there were no data available on historical uses of sea otter, we find the Services' assumption that all coastal Natives stopped using sea otters to be very unrealistic. Undoubtedly, Russian law had a forceful effect in many areas, but common sense would indicate that in remote areas where people were unaware of, or confused about, the Russian law, life continued in the traditional way ... using sea otters.

A present day example of a parallel situation is the Services' tagging and sealing program for sea otters. Service staff have been flying to Villages for several months to establish a tagging and sealing program for sea otters. In spite of these efforts, some villages have not been reached. In areas that have been reached there is still much confusion over what is, and is not, legal. In spite of the confusion, life continues in the traditional way. This was undoubtedly the case in many areas during the period of Russian domination.

In addition to the need to present a complete overview of the documented historical record, the Service also bears a responsibility to determine the pre-1972 "living memory" record. in light of its interpretation of what Congress intended as a traditional or authentic Native handicraft. This would require that the Service conduct extensive public hearings in the Villages along the coast of Alaska in order to determine what uses occurred before 1972.

4) **LACK OF THOROUGH ANALYSIS:** THE SCHOLARSHIP REFLECTED IN THE PROPOSED RULE IS SERIOUSLY LACKING. THE TOPIC HAS NOT RECEIVED A THOROUGH REVIEW, IS MISLEADING AND CONTAINS ERRORS. A THOROUGH ANALYSIS WILL REQUIRE THAT THE SERVICE CONDUCT PUBLIC HEARINGS IN AFFECTED VILLAGES, AND PROPERLY COLLECT AND INTERPRET THE HISTORICAL RECORD AND PRESENT A MORE ACCURATE SUMMARY OF CONGRESSIONAL INTENT.

The Service has been called upon to perform a thorough administrative review of the taking of sea otters. Instead, by its own admission, has merely conducted a preliminary analysis. Based on this preliminary effort the Service intends to make changes to the implementing regulations of the MMPA that are highly controversial and will negatively affect the entire coastal Alaska Native Community. The lack of thoroughness is clearly evident by the inaccurate and misleading interpretation of Congressional intent as well as the false and incomplete account of the historical record of sea otter uses. To substitute for thoughtful scholarship and objective analysis the Service has coined new terms such as "living memory" and uses them to shade the interpretation of the MMPA. This is misleading. This term is not found in the MMPA. If this term had a significant bearing on the interpretation of the MMPA Congress would have used it. It seems unlikely to us that the Law Enforcement Branch of the Service is qualified nor able to add clarity to what the U.S. Congress articulated in the MMPA.

We hope the Service will thoughtfully consider our comments and redirect its effort toward a more positive approach that will better serve the sea otter resource and the people of Alaska. We appreciate the opportunity to comment ... even at this late stage. With an extension of the comment period, the ASOC will be able to provide additional comments to support our view.

Sincerely,

THE ALASKA SEA OTTER COMMISSION

Len Vining for
Jonathon Dyasuk, Chairman

cc:
Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Governor Steve Cowper
ASOC Commissioners

Valdez
Tatitlek
Eyak
Chenega
Seward
English Bay
Port Graham

the north pacific rim

January 12, 1989

Mr. Frank Dunkle, Director
U.S. Fish and Wildlife Service
P.O. Box 28006
Washington, D.C. 20038-8006

Dear Mr. Dunkle,

REGARDING: Federal Register Notice published November 14, 1988 entitled Marine Mammals: Native Exemption (53 Fed. Reg. 45,788-90).

The North Pacific Rim (TNPR) is the Regional non-profit organization for the Chugach Region in Alaska. It provides a variety of services to Native Americans residing in the seven communities in the region, including Port Graham, English Bay, Seward, Chenega Bay, Valdez, Tatitlek, and Eyak. Services include the preservation of traditional and cultural practices and subsistence hunting and fishing rights. In this regard, the following comments are provided on behalf of the seven Native communities of our Region.

TNPR is shocked by the intent of the proposed rule to further restrict legitimate uses of sea otter by Alaska Natives. Such a ruling will have major negative impacts on the people in this Region. We strongly oppose the proposed ruling for the following reasons.

1) **CONGRESSIONAL INTENT: CULTURE:** We believe Congress recognized the spiritual and cultural importance of sea otters to Alaska Native people and deliberately sought to preserve this heritage for future generations of Natives in the Marine Mammal Protection Act (MMPA). The proposed rule defies this intent. The people in our Region are primarily of Aleut and Eyak decent. They have lived in harmony with their surrounding environment for thousands of years. Sea otter hunting is a basic part of their cultural fabric, as is the making of traditional handicrafts for personal use, barter, and trade. Sea otters have been a part of the cultural development of Alaska Native people and should be allowed to continue. The proposed rule strikes another blow to the effort of Alaskan Natives to preserve their cultural heritage.

2) **CONGRESSIONAL INTENT: COTTAGE INDUSTRY:** We find the proposed rule to be inconsistent with allowable provisions for cottage industries under the MMPA. Congress intended to allow Natives to use sea otters for cottage industry purposes. The proposed rule defies this intent. The proposed rule is also inconsistent with existing Service policy with respect to cottage industries involving mammal species such as walrus, polar bear, and seal. Given that all these species are equally subject to the provisions of the MMPA, we believe it is inappropriate to single out sea otters and impose such serious restrictions without providing a thorough justification based on biological factors. If a central purpose of the MMPA is to protect and conserve the sea otter, why doesn't the Service present a few biological facts that pertain to the proposed rule. It is obvious to us that if the Service presented any real_data it would become abundantly clear that the proposed rule makes no sense at all.

3) **SEA OTTERS EXCEED THEIR CARRYING CAPACITY:** From a biological perspective, the proposed rule makes no sense at all. In the Chugach Region, sea otters are so abundant that they have depleted their food resources and appear to have exceeded their biological carrying capacity. Commercial shellfisheries have been discontinued in some areas and subsistence shellfish areas have been virtually "wiped out" by the otters. From a biological perspective, it is absurd for the Service to be attempting to further limit use of sea otters. We believe the Service should be seeking legitimate ways to increase the use of this resource in the areas where their abundance has exceeded the natural carrying capacity. We simply find the proposed rule to be inconsistent with sound management principals.

4) **LACK OF INVOLVEMENT:** TNPR is troubled by the Service's continued pattern of issuing proclamations "hatched" within the confines of an office building rather than actively seeking the significant input of affected Native users and other interested parties. The proposed rule has sweeping effects on Native people all along coastal Alaska. The Service has not informed them of the proposed ruling nor explained a rationale for why such a step is necessary. This essentially constitutes a breach in the public participation process. Further, the comment period for the proposed rule is not nearly long enough. The period spans the holidays making it difficult for people to respond. Also, the mail to remote areas is not always reliable. To compound matters further, decisions of this magnitude would typically be brought before the Village Councils for consideration. The short comment period would require Councils to call an emergency meeting just to respond. This is unreasonable. Therefore, we recommend that the Service extend the comment period for 120 days and hold public hearings in the Villages.

5) **HISTORICAL RECORD:** The treatment of the historical record is a sham. The Service has been involved in the Katelnikoff litigation involving uses of sea otter and access to a significant volume of pertinent data that indicate that a variety of uses of sea otters by Alaska Native continue at present. It is simply not true that "Since 1741, the date of the earliest exploitation of sea otter populations for the fur trade, there has been virtually no use of sea otters by Alaska Natives." The statement is factually incorrect and without excuse.

Sincerely,

THE NORTH PACIFIC RIM

Derenty Tabios
Executive Director

cc:
Senator Ted Stevens
Senator Frank Murkowski
Representative Don Young
Governor Steve Cowper

JOHN C STENNIS MISSISSIPPI CHAIR

ROBERT C BYRD WEST VIRGINIA
WILLIAM PROXMIRE WISCONSIN
DANIEL K INOUYE HAWAII
ERNEST F HOLLINGS SOUTH CAROLINA
LAWTON CHILES FLORIDA
J BENNETT JOHNSTON LOUISIANA
QUENTIN N BURDICK NORTH DAKOTA
PATRICK J LEAHY VERMONT
JIM SASSER TENNESSEE
DENNIS DECONCINI ARIZONA
DALE BUMPERS ARKANSAS
FRANK R LAUTENBERG NEW JERSEY
TOM HARKIN IOWA
BARBARA A MIKULSKI MARYLAND
HARRY REID NEVADA

MARK O HAT[illegible] OREGON
TED STEVENS ALASKA
LOWELL P WEICKER JR CONNECTICUT
JAMES A MCCLURE IDAHO
JAKE GARN UTAH
THAD COCHRAN MISSISSIPPI
ROBERT W KASTEN JR WISCONSIN
ALFONSE M D'AMATO NEW YORK
WARREN RUDMAN NEW HAMPSHIRE
ARLEN SPECTER PENNSYLVANIA
PETE V DOMENICI NEW MEXICO
CHARLES E GRASSLEY IOWA
DON NICKLES OKLAHOMA

FRANCIS J SULLIVAN STAFF DIRECTOR
J KEITH KENNEDY MINORITY STAFF DIRECTOR

United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

January 17, 1989

Jonathon A. Dyasuk
Chairman
The Alaska Sea Otter Commission
3300 C Street
Anchorage, Alaska 99503

Dear Jonathon:

Thanks for providing me with copies of the letters you sent to the U.S. Fish and Wildlife Service regarding Alaska Native use of sea otter.

I want you to know that I disagree with the USFWS' proposed ruling to eliminate the use of sea otter for the purposes of creating and selling articles of handicrafts and clothing. As such, I plan on submitting my own personal comments about this proposed rule to the USFWS. I will be working directly with the Service when it comes down to the final review here in Washington, D.C. to make sure that the interests of rural and Native Alaskans are protected. I've also written to the USFWS on your behalf and asked that they include your comments in the official record of public comments.

In the meantime, I contacted the USFWS about the possibility of extending the comment period, and am glad to tell you that the comment period was extended 60 days. Final comments are now due March 13, 1989.

Thanks again for writing. I want to stress that I am doing all I can to make sure that Native Alaskans are not deprived of their livelihood and cultural traditions.

With best wishes,

Cordially,

Ted Stevens

TED STEVENS

DON YOUNG
CONGRESSMAN FOR ALL ALASKA

WASHINGTON OFFICE
2331 RAYBURN BUILDING
TELEPHONE 202 225-5765

COMMITTEES
INTERIOR AND INSULAR AFFAIRS
MERCHANT MARINE AND FISHERIES
POST OFFICE AND CIVIL SERVICE

Congress of the United States
House of Representatives
Washington, D.C. 20515

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RT 1, BOX 1605
KENAI ALASKA 99611

BOX 177
KODIAK ALASKA 99615

P.O. BOX 1860
NOME ALASKA 99762

January 10, 1989

Mr. Jonathon Dyasuk
The Alaska Sea Otter Commission
3300 C Street
Anchorage, AK 99503

Dear Mr. Dyasuk:

Thank you for your letter regarding proposed regulations governing the take of sea otters off Alaska. I appreciated hearing from you.

In my opinion, any change in Federal regulations governing the subsistence use of marine mammals must be accompanied by full discussion with affected users. As a result, I was quite concerned that the U.S. Fish and Wildlife Service did not appear to be allocating sufficient time for rural residents of Alaska to comment on their proposed sea otter regulations. I have contacted the U.S. Fish and Wildlife Service and, at my request, they have agreed to extend the comment period for an additional 90 days. This should provide sufficient time for all affected users to analyze the proposed regulations and submit their comments. In addition, I will continue to encourage the U.S. Fish and Wildlife Service to meet directly with rural residents to discuss these proposed changes.

If I can be of any further assistance, please do not hesitate to let me know.

Sincerely,

Don Young

DON YOUNG
Congressman for all Alaska

DY:rmm

RECEIVED
JAN 23 '89

ERNEST F HOLLINGS SOUTH CAROLINA CH[illegible]AN

DANIEL K INOUYE HAWAII
WENDELL H FORD KENTUCKY
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J JAMES EXON NEBRASKA
ALBERT GORE JR TENNESSEE
JOHN D ROCKEFELLER IV WEST VIRGINIA
LLOYD BENTSEN TEXAS
JOHN F KERRY MASSACHUSETTS
JOHN B BREAUX LOUISIANA
BROCK ADAMS WASHINGTON

JOHN C DA[illegible]H MISSOURI
BOB PACKW[illegible] OREGON
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RALPH B EVERETT CHIEF COUNSEL AND STAFF DIRECTOR
WALTER B McCORMICK JR MINORITY CHIEF COUNSEL AND STAFF DIRECTOR

United States Senate
COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION
WASHINGTON, DC 20510-6125

November 23, 1988

Ms. Janie Leask
President
Alaska Federation of Natives
411 W. 4th Avenue, Suite 301
Anchorage, AK 99501

Dear Ms. Leask:

I would like to convey my special thanks to you and to the Alaska Federation of Natives for your efforts regarding legislation to reauthorize the Marine Mammal Protection Act (MMPA). As you are probably aware, Congress finally completed action on a MMPA reauthorization bill on October 1st. The bill is now at the White House and I anticipate that it will be signed into law within the week.

In conside[illegible]ng legislation to reauthorize the MMPA, the Commerce Committee was open to and received considerable input from representatives of the animal rights, environmental, fishing, native, scientific research, and public display communities. I believe that the language approved by the Committee and the Congress adequately balances the concerns of these groups. The bill strengthens the MMPA, providing increased protection for marine mammals, while allowing legitimate commercial fishing, scientific research and public display activities to continue. Existing MMPA provisions regarding native subsistence hunting have not been changed substantively.

As a principal author and long-time supporter of the MMPA, I appreciate your commitment to a balanced program of marine mammal conservation and management. That commitment has been well demonstrated in recent months by your contribution to this legislative process.

With kindest regards, I am

Sincerely,

Fritz Hollings

ERNEST F. HOLLINGS
Chairman

EFH:pd

Rural Alaska
Community Action Program, Inc.

December 19, 1988

Jonathan Dyasuk, Chairman
The Alaska Sea Otter Commission
c/o The North Pacific Rim
3300 "C" Street
Anchorage, AK 99503

Dear Jonathan:

Thank you for your recent letter concerning future funding of the Sea Otter Commission.

You may have been informed by now that the RurAL CAP Board recently allocated an additional $5,000 for the Commission from next year's budget cycle, which begins in July 1989.

We would be happy to assist you in securing additional funding from other sources. While we do not presently have a grant writer on staff, both myself and Eric Smith are experienced grant writers. I would suggest a generic draft grant be written and then have us take a look at it and offer any suggestions on the draft itself and where it might be submitted, including the BIA.

We are happy to have been able to help the Commission organize and look forward to working close together in the future.

Sincerely,

Bob

Bob Polasky, Director
Subsistence & Natural Resources

cc: Eric Smith

BP:ct

Administration • P.O. Box 200908, Anchorage, Alaska 99520 • (907) 279-2511. FAX (907) 279-6343

Marine Mammals Management

Summary of the Marking, Tagging and Reporting Rule

The U.S. Fish and Wildlife Service (Service) is amending 50 CFR Part 18 to establish marking, tagging and reporting regulations as authorized under Section 109(i) of the Marine Mammal Protection Act (Act) of 1972 as amended. This action implements a 1981 amendment to the Act and will assist the Service in monitoring the subsistence and handicraft harvest of polar bear, walrus and sea otter, and in obtaining essential biological data needed to manage these species or stocks. The action will also help control the illegal take, trade, and transport of specified raw marine mammal parts.

The final rule was published in the Federal Register on June 28, 1988. After an implementation period of 120 days, the new rule will become mandatory, and on October 26, 1988, the marking, tagging and reporting program will become effective. During this period, local Natives (as often as practical) will be hired and trained, and the necessary kits and supplies will be purchased and distributed to the local tagging employees. Kits will be furnished by the U.S. Fish and Wildlife Service, and training will be conducted by the coordinator of the program. The taggers will use an approved color coded, numbered, locking plastic tag that will be attached to each hide and skull of the polar bears and sea otters presented for tagging. Walrus ivory will be removed from the noseplate, and a lead headed wire tag will be attached through a small hole drilled in the root area. Also, a custom ultra-violet reflecting light marker will be applied to the anterior and posterior surface of each tusk.

The provided reporting forms will be used to collect information regarding species, age, sex, location of kill or find, and in the case of walrus ivory, the condition of take, including shot and immediately retrieved, floating dead, or washed up on the beach. Fossilized ivory is not regulated nor addressed in this rule and thus is not required to be presented for marking and tagging.

After the implementation period there will be a 180 day period in which all stocks of raw, unaltered specified parts in the possession of hunters, registered agents and tanneries will be marked and tagged. Also, upon completion of the implementation period and thereafter, Native hunters will have 30 days from date of kill or acquisition to present all harvested specified parts for marking, tagging and reporting to a local tagging representative. Skins and skulls may be frozen or thawed, but skulls must be separated from the hides. Failure of the Native hunters or owners and registered agents or tanneries to comply with the new rule could result in civil penalties not to exceed $10,000 for each infraction. Information obtained from the new program will be published for public review in the U.S. Fish and Wildlife Service Region 7 Annual Report.

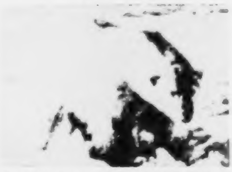
Attention Hunters

Marine Mammal Parts Must Now Be Tagged

for

Walrus

Polar Bear



Sea Otter

A new regulation under the Marine Mammal Protection Act requires that all walrus tusks, polar bear hides and skulls, and sea otter hides and skulls that are taken by Alaska Coastal Natives for subsistence and handicraft purposes be marked and tagged by a local representative of the U.S. Fish & Wildlife Service.

When? STARTING OCTOBER 26, 1988.

Who?

Alaska Natives (Indians, Aleuts and Eskimos) residing in Alaska and dwelling along the coast of the North Pacific or Arctic Oceans will have 30 days after killing or finding these mammals to have the specified parts marked and tagged.

Why?

To collect information from the harvest that will help ensure the long-term survival of these marine mammals. The new regulation will also help in controlling the illegal take, trade and transport of these marine mammal parts.

What Parts?

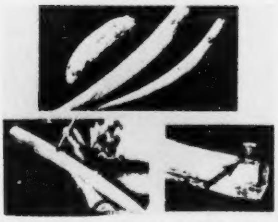
Walrus tusks, polar bear hides and skulls, and sea otter hides and skulls must be marked and tagged. By May 1989 all raw unaltered specified parts already in possession that were taken before this regulation became effective must also be tagged.

Where?

A local representative with authority to mark and tag parts in or near your village is listed at the bottom of the page.

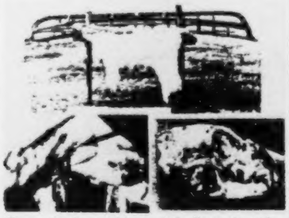
How Ivory, Skins & Skulls Must Be Tagged

Walrus



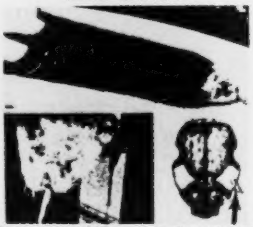
Walrus tusks must be tagged with a lead-headed wire tag attached through a small hole drilled in the root. The tag must stay on the tusk until it is handcrafted. An ultraviolet light reflecting mark will be applied full length to the front and back of each tusk.

Polar Bear



The polar bear hide and skull must each have a plastic nylon tag permanently attached. The tag must stay with the hide through the tanning process and until the hide is cut up and used for Native handicraft purposes.

Sea Otter



The sea otter hide and skull must each have a plastic nylon tag permanently attached. The tag must stay with the hide through the tanning process and until the hide is cut up and used.

For more information call:
WELLS M. STEPHENSEN
U.S.F.W.S. Representative in Anchorage
Phone: 786-3306

or

Local Tagging Official and Phone

Village

Steps to Making a Sea Otter Management Plan

1. Set up a Plan Team to develop a management plan.

   This team should include agency representatives, technical experts, users, and other appropriate persons. The Pacific Walrus Technical Committee, which includes EWC, FWS, and ADF&G, could suggest membership.

2. Identify major issues/problems.

   Discuss what should be in a management plan. Input should come from EWC, FWS, ADF&G, sportsmen, conservation groups, and others. This step may require public meetings.

3. Plan Team prepares draft management plan and distributes for comment to agencies, EWC, other interested groups.

4. Request public comment on a draft plan.

5. Revise draft and prepare final plan.

6. Approve plan through Memorandum of Agreement.

   EWC, FWS, ADF&G would sign.

7. Submit to Secretary of Interior for approval and implementation.

Subjects Discussed by the
Pacific Walrus Technical Committee
1980-1988

Management Plans and "Joint" Management

Since its first meeting, the PWTC has been concerned with development of a management plan for Pacific walruses.

- At the first PWTC meeting, FWS noted that it was "looking to the Committee to help develop a comprehensive walrus management plan.

- In the January 1981 meeting the group concurred that it should not develop a management plan itself, but should assist and advise. A subcommittee was established to set priorities on walrus-related issues. The subcommittee also developed draft objectives for the PWTC, which addressed biology, socioeconomic and cultural importance, impacts of development, information and education, and management strategies and plans (see Attachment B).

- In June 1981, FWS reported that it had held an in-house workshop to begin drafting a management plan and that a draft for public review was expected by fall 1981. At this June meeting there was the first mention of "a management agreement for walrus similar to the one . . . between the Alaska Eskimo Whaling Commission and National Marine Fisheries Service for the management of the bowhead whale." Extensive management recommendations were included in the minutes of the June 1981 meeting. They addressed population objectives, utilization objectives, biological and socioeconomic/cultural investigations, regulations, information and education, international cooperation, and enforcement. Draft objectives developed by the subcommittee were discussed, modified, and accepted.

- In December 1982, FWS presented its draft management plan to the PWTC. The group decided that ADF&G and the EWC should comment separately, not in a single statement from the PWTC.

- In November 1985, the group discussed "the possibility of the EWC, FWS, and ADF&G forming a walrus treaty similar to that in existence today for birds on the Yukon-Kuskokwim Delta (Hooper Bay Agreement).

- In March 1986, ADF&G and EWC encouraged development of a management plan which incorporated "joint management." The group reviewed parts of the draft EWC management plan.

- In May 1986, the group discussed what should be in a management plan, reviewed parts of the EWC management plan, and discussed an international agreement on walrus management.

- Prior to the October 1986 meeting, a subcommittee prepared a draft Memorandum of Agreement (MOA) among FWS, ADF&G, and the EWC which stated that the three parties would cooperate and inform each other on issues regarding the management of walruses. The MOA was discussed at the October meeting and again at a special meeting in December. The final agreement was signed by FWS, ADF&G, and the EWC on 21 May 1987. Many members of the PWTC consider this the most significant accomplishment of the PWTC.

- In October 1987, the group discussed the PWTC's role in developing management plans and voted unanimously for the following statement "The PWTC recommends that a joint walrus management plan be prepared that represents a cooperative effort of the signators of the MOA . . . the PWTC is willing to draft such a plan."

- At its most recent meeting in June 1988, the group again discussed a cooperative management plan and a "plan team" approach to preparing such a plan. The PWTC recommended individuals or groups that should be included on such a team. PWTC members voted unanimously that "FWS should pursue cooperative management planning and development of a walrus management plan by a planning team approach in the near future" (22 June 1988 minutes).

Research - At almost every meeting FWS, ADF&G, and others have reported on research projects being conducted on walruses in Alaska. On several occasions the PWTC has passed resolutions or sent letters encouraging and supporting research.

Harvest - Since the December 1982 meeting there have been fairly regular discussions of harvest levels, the trend in harvest, the proportion of females in the harvest, harvests by the Soviets, and the need for and ways to obtain more accurate harvest information in Alaska. As a result of these discussions, a harvest calendar was produced on a trial basis and distributed in Gambell. Results were disappointing, at least partly because of poor follow-up.

Utilization, Struck and Loss Rates, and Bad Publicity

Since the organizational meeting, the group has discussed ways to improve utilization of meat, to improve hunting techniques so fewer animals are struck and lost, to counter bad and inaccurate publicity regarding walrus hunting, and to ensure that illegal take of walruses does not occur. Actions by the PWTC (as noted in the minutes) have included letters to the North Pacific Fisheries Management Council encouraging them to discourage fishermen from violations, to the Regional Director of FWS and the State Division of Fish and Wildlife Protection encouraging enforcement action against non-Natives taking walruses for their ivory, and to the FWS Regional Director requesting a workshop to review the status of walruses and evaluate the consequences and risks of various harvest options (June 1981); a resolution to the EWC encouraging them to ask hunters to reduce the harvest, particularly that of females and females with calves (November 1985); and recommendation to the EWC that they should develop a hunter education program, prepare a fact sheet about walrus hunting to counter negative publicity, look into better methods of meat preservation, and seek assistance in marketing ivory handicrafts in order to maximize return from the resource (May 1986).

User Participation in Research and Management

Involvement of local residents in research and harvest monitoring has been discussed and encouraged since the second meeting in January 1981.

Population Status

The methodology and results of aerial surveys to estimate population size and trend have been discussed regularly since the first meeting. At the most recent meeting, the PWTC voted to encourage FWS to begin planning for the 1990 surveys as soon as possible.

Information and Education

Communication of research findings to the public, especially coastal residents (in lay language), as well as communication among the member organizations was established as a high priority at the first meeting in October 1980 and has been discussed regularly since then. In January 1981 the PWTC wrote a letter to Rural Cap in support of a student program that educated young people about marine mammals. In 1982, the PWTC recommended that the PWTC write a letter to EWC and ADF&G encouraging them to improve their public information and education programs. At the October 1987 meeting, the PWTC discussed problems in information transfer and formulated a recommendation to the EWC encouraging them to announce meetings, report what actions are taken, and get articles about marine mammal issues in local media.

State Management

The state's plans regarding return of management were discussed repeatedly from 1983-1988.

Marking and Tagging

Marking and tagging regulations have been discussed by the Committee since 1984, and regular status reports have been presented by FWS. These discussions resulted in formulation of a resolution by the PWTC in October 1986 requesting FWS to make a decision regarding implementation of sealing regulations. The resolution was not introduced because a decision was announced by FWS Regional Director Gilmore the following day.

Marine Mammal Protection Act

The PWTC has discussed amendments to the MMPA since the 1981 reauthorization process. In January 1981, the PWTC passed a resolution in favor of a workshop concerning possible changes in the MMPA. Possible amendments to the Act were discussed in detail in 1983 and 1987.

Conservation Issues

The PWTC has addressed a variety of conservation issues affecting walruses. These include submission of comments on OSC Sale #57 (Norton Sound) in 1981; discussion of the Cape Seniavin haulout; encouraging a strong international agreement with the Soviets regarding walrus management; promoting contaminant studies; and, most recently, expressing concern about the effect of the yellowfin sole fishery on the Round Island haulout.

Objectives of the
Pacific Walrus Technical Committee
as approved June 1981

Biological

- Review and comment on walrus-related research and management studies, including objectives, designs, results, and recommendations proposed and conducted by agencies and organizations.

- Recommend to appropriate agencies and organizations studies needed to enhance our knowledge and management of the walrus resource, its use, and importance.

Socioeconomic and Cultural Importance

- Review and comment on research and management studies, including objectives, designs, results, and recommendations proposed and conducted by agencies and organizations which relate to the socioeconomic and/or cultural importance of the Pacific walrus.

- Recommend to appropriate agencies and organizations studies needed to enhance our knowledge of the socioeconomic and cultural importance of the walrus to coastal Natives and other users.

Impacts of Development

- Review and comment on impacts of proposed resource developments on Pacific walrus populations, their habitats and food sources and users.

- Identify needs for and encourage research to investigate potential impacts of development on Pacific walrus populations and their user groups.

Information and Education

- Disseminate to other PWTC members information on Pacific walrus populations, their uses, and the users of the resource, as well as management and research activities and results related to these. Within the limited time and resources available, summarize studies, publications, etc., on walrus in non-technical terms and distribute to local residents and other interested people.

- Provide a forum for airing different viewpoints of member organizations related to walrus management and use.

- Recommend and encourage EWC, FWS, and ADF&G and other organizations to promote and facilitate public involvement in decision-making processes which affect walrus populations and their uses.

Management Strategies and Plans

- Review, evaluate, and comment on existing and proposed walrus management plans, strategies, and regulations.
- Recommend management strategies and regulations to managing agencies and organizations.
- Review, evaluate, and comment on proposed legislation which may affect the Pacific walrus population and/or its uses.
- Propose to the appropriate State or Federal agency legislation needed to conserve Pacific walrus population.

This list of functions or objectives of the Committee is not complete, but we think it comprises the basic ones.

LAW OFFICES OF
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ANCHORAGE AND STATEWIDE OFFICE
1016 WEST SIXTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
TELEPHONE (907) 276-6282

DEC 6 1988

December 5, 1988

Mr. Len Vining
The North Pacific Rim
3300 C St.
Anchorage, AK 99503

Dear Len:

I have enclosed some information concerning traditional use of sea otter by Alaska Natives that you may find helpful in preparing comments to the proposed regulation for the Sea Otter Commission. I have enclosed copies of several affidavits that we obtained regarding past sea otter use. I also enclosed copies of a few pages from a court brief I prepared. These pages summarize some information concerning sea otter use that we obtained from expert witnesses in depositions as well as from some literature sources.

Please let me know if you need any more detailed information.

I certainly appreciate your inviting me to the meeting of the Sea Otter Commission. The efforts of the commission should be very helpful in our attempts to alter the present policies of the U.S. Fish and Wildlife Service toward Native take. Please feel free to call if there is anything I can do to assist you or the commission.

Very truly yours,

ALASKA LEGAL SERVICES CORPORATION

Joseph D. Johnson

Enclosures

II. THE REGULATION IS VOID FOR VAGUENESS BECAUSE IT FAILS TO GIVE PERSONS OF ORDINARY INTELLIGENCE FAIR NOTICE OF WHAT CONDUCT IS PROHIBITED

The history of this case shows a long, protracted effort to determine the status of the law pertaining to permissible uses by Alaska Natives of sea otter. No answer is yet available, and Plaintiff-Intervenor can only conclude that none can be found due to the hopelessly unascertainable standard adopted in the regulation which permits only those articles of handicrafts and clothing "commonly produced on or before December 21, 1972."

In a dilemma apparently unique to the sea otter, there exists little evidence of its use by Alaska Natives since the Baranov ban of 1792. Qualified experts have thoroughly researched available historical and anthropological records, but the experts cannot agree on the items Natives commonly made of sea otter prior to 1792. They even contradict themselves on occasion, due largely to the ambiguity of the available evidence. The very agency charged with enforcement of the regulation does not know what it means and has found it necessary to continually revise its legal interpretation. The Natives have no historical resources to establish the uses their ancestors made of sea otter prior to 1792. To the extent that Native use of the sea otter continued after the Baranov ban of 1792, such use was concealed and was probably of a limited nature due to its illegality, the severe punishment inflicted on the persons found violating the prohibition, and the almost total depletion of the sea otter population caused by the Russian and American hunters.

A. Inadequacy of Historical Records and Archaeological Evidence

The USFWS apparently placed substantial reliance upon the testimony of William S. Laughlin in reaching its most recent conclusion that only "traditional parkas" are permitted by the regulation. Dr. Laughlin is an anthropologist who has conducted extensive studies on Kodiak Island and in southwestern Alaska. He found evidence of the following uses of sea otter by Alaska Natives (page references are to the *Laughlin Deposition*, Exhibit 6):

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(1) Parkas without head coverings for women. (p. 24.)

(2) Embellishment or trim on some women's clothing (type of clothing not specified). (p. 29.)

(3) Special items of clothing for newborn children (speculative). (p. 30.)

(4) Awl made of fibula and heavy awl made of tibia. (p. 36.)

(5) Flaker made of penis bone (baculum) used to flake stone to make spear points and knives. (p. 36.)

(6) Harpoons made of penis bone. (p. 37.)

(7) Fur hats, apparently sometimes made of sea otter. (pp. 47-48.)

Dr. Laughlin's testimony reveals that he relied heavily on physical evidence found in various excavations, possibly explaining in some part why he found fewer uses of sea otter than Dr. Lydia Black. However, Dr. Laughlin had difficulty identifying truly Native items because of the long history of foreign domination that tended to either conceal or supplant the Native culture. *Id.* at 34. The uncertain status of the evidence available to Dr. Laughlin became apparent when he first stated that his research indicated that men did not wear sea otter clothing at all, but then stated that use by men would be very rare. He also stated that women used sea otter for "various things" and that he suspects sea otter was used for special items of clothing for newborns. *Id.* at 29-30.

Dr. Lydia T. Black, an anthropologist and professor at the University of Alaska-Fairbanks, publisher of the only book dealing with Aleut art, also testified as to the use of sea otter by Alaska Natives. Her historical information is derived primarily from written accounts of travelers through Alaska in the 1700's. Reliance on written accounts was necessary because fur and skins rarely survive intact as archaeological evidence.[3] The

---

[3] As Dr. Black observed:

> Materials used for clothing do not survive well and [an] archeologist, if he finds an item of clothing, he turns cartwheels in joy because it's so rare.

Black Deposition at 111.

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extremely acid soil in the Aleutians even caused bones to decay rapidly, although on one occasion remains of a sea otter parka were found in a cave. *Black Deposition* at 86-87 (Exhibit 7). Her research disclosed evidence of the following Native uses of sea otter (page references are to the *Black Deposition*, Exhibit 7):

(1) Rugs and carpets. (pp. 13-14, 22, 37.)

(2) Children's clothing (although she does not identify specific items of children's clothing). (p. 16.)

(3) Bedding (either blankets or pillows or both). (pp. 17, 20, 98-99, 114, 120.)

(4) Parkas for men and women. (pp. 29, 33, 85.)

(5) Frocks. (p. 61.)

(6) Coats for chiefs. (p. 61.)

(7) Trim and decoration for parkas and festive garments. (pp. 29, 121.)

(8) Toys (but types of toys not identified). (p. 127.)

(9) Breech clout (penis sheath). (p. 33.)

(10) Sheaths for treasured knives. (p. 33.)

(11) Decorations for headboards of beds (made of sea otter teeth). (p. 35.)

(12) Clothing worn by leaders and spokesmen in encounters with Europeans (identification of specific items not available). (pp. 124-125.)

(13) Hats. (pp. 14-15, 129.)

(14) Sea otter heads hung in sleeping compartments. (pp. 30-31).

There was some confusion as to whether the sea otter parkas were worn by men or by women, but Dr. Black indicated that in the Aleutians, only the women wore the parkas, while on Kodiak, a distinction was made by rank. There both men and women wore parkas, but only if they had a high social ranking. *Id.* at 85-87. She also pointed out that warm boots were made of fur, but could not exhaustively describe which kinds of fur were used. *Id.* at 29, 98.

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That certain important bits of information are lacking from the expert testimony is attributable to incomplete historical and anthropological records. When asked whether sea otter fur had ever been used to make pussy willows, Dr. Black testified that she did not know, but raised that possibility. She stated that she knew that Orthodox churches use live pussy willows in lieu of palms on Palm Sunday and that they do make artificial flowers of some sort during Easter holidays. *Id.* at 131-32. She also pointed to the possibility that surreptitious use of sea otters had been made by Natives after the Russian ban was imposed, but such evidence is necessarily lacking because any disclosure of that use would have brought severe punishment on the user. *Id.* at 28, 126-28.

There is also little hope for uncovering substantial additional information. There is no ethnography of the people of Kodiak -- only an attempt by Kaj Birket-Smith. *Laughlin Deposition* at 64 (Exhibit 6). Birket-Smith states:

> [O]ur knowledge of the western tribes of Kodiak and adjacent islands is extremely fragmentary. It is scarcely to be hoped that this state of affairs will change essentially in the future.

Id., Ex. 2 at p. 1. On the other hand, the fragmentary information available documents substantial Native use of sea otter. *See, e.g.,* K. Oberg, THE SOCIAL ECONOMY OF THE TLINGIT INDIANS, 8, 67, 111, 116 (1973) (Exhibit 11). One source indicated that a man with a wife and three children needed a minimum of ten sea otters just for clothing. *Black Deposition* at 35 (Exhibit 7).

B. The Regulation Gives No Indication of Required Degree of Similarity

Even if one were able to determine that the regulation permits the making of specific items, such as parkas and hats, it is impossible to determine the degree of similarity such items of handicrafts and clothing must bear to those commonly made prior to 1972. Consider the only sea otter item the Regional Solicitor now considers permissible -- a parka. The task of identifying the characteristics of permitted parkas might seem simple at first glance, but the record in this action demonstrates otherwise.

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In interpreting the regulation to limit sea otter handicrafts to "traditional parkas," the Regional Director ignored evidence from the Agency's historical sources attesting to more extensive uses. *See Defendants' Response to Plaintiff's First Request for Production of Documents* Item No. 4, Ex. 4 (Exhibit 17). In addition to describing Native use of sea otters for parkas, the historical survey apparently relied upon by the USFWS to find that traditional parkas are permitted also describes sea otter use for shirts (p. 5), dresses (p. 7), vests (p. 8), genital coverings (p. 9), bedding (p. 16), and frocks or robes (p. 17). The editor summarized at page 1: "These references leave no doubt that sea otter fur was used for clothing by all Alaskan natives who were in contact with the animals."

When the Regional Director incorrectly concluded that the regulation permits nothing but "traditional parkas" to be made, the Regional Solicitor also took advantage of the unconstitutional vagueness of the regulation by preparing a memorandum conjuring all sorts of interpretations that would entirely eliminate the legal right of Native Alaskans to make even the one single item of sea otter handicrafts and clothing the Regional Director deemed permissible. Although the regulatory standard permits items to be made if they were "commonly produced on or before December 21, 1972," the Regional Solicitor's memorandum discusses the possibility of adding, without benefit of rulemaking, a requirement that the item must also be one that was commonly sold prior to December 21, 1972. He even went so far as to discuss adding, again without benefit of rulemaking, a requirement that the taking be accomplished by traditional means, "i.e., [with] harpoons and skin kayaks." *Memorandum from John M. Allen, Regional Solicitor, U.S. Department of the Interior to Regional Director, USFWS*, dated September 8, 1987, attached to *Post-Hearing Brief* in Marina Katelnikoff Administrative Proceeding (Exhibit 18).

Such flagrant disregard for the Congressional directive that Alaska Natives be permitted to take and use sea otter for handicrafts and clothing must be condemned. The results of such arbitrary and variable interpretations are the major evil the void for vagueness doctrine is intended to prevent.

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
419 SIXTH STREET, SUITE 322
JUNEAU, ALASKA 99801
(907) 586-6425

I, Sophie Borodkin, swear and affirm under penalty of perjury, that the following information is true and correct:

I am 77, (seventy-seven) years old, and I am an Alaska Native (Indian) and a member of the Eyak tribe. I have lived in Cordova, Alaska all my life. My mother was Minnie Stevens and my father was Scar Stevens.

My family told me that the Alaska Natives used to make many things from sea otter. In general, they used sea otter for almost anything where fur was helpful.

When I was a girl, which was a number of years prior to 1972, I saw the following items which various persons in my village had made of sea otter: (1) winter hats for men; (2) parkas which were used primarily by people in the Interior where it was colder; (3) vests; (4) blankets; (5) coverings to put on mattresses for people to lie on; (6) rugs for houses; (7) wall coverings to sit against like the back of a chair. These items were commonly made and were used by many people.

My family used to say that people who drowned turn into sea otter. People I grew up with had much respect for the sea otter because it had a strong connection with the spirits of people who drowned.

I am one of the last people I know of who can speak Eyak.

Dated: April 16, 1988.

I can hardly see but I have had this statement read to me and I swear and affirm that its contents are true.

Sophie S Borodkin

Witness: Joseph D Johnson

State of Alaska
Third Judicial District

AFFIDAVIT OF JOHN KLASHNIKOFF ON USE OF SEA OTTER BY ALASKA NATIVES

I, John Klashnikoff, swear and affirm under penalty of perjury that the following information is true and correct:

1. I was born in Cordova, Alaska, and I have lived in Cordova, Alaska all my life. I am a Chugach Aleut. I am now 81 years old.

2. I have never seen sea otter myself, but when I was a young boy, I heard people in my family and people in the village where I live tell about sea otters. They told me that when they had hunted sea otter, they were very hard to find, and they had to go very far out into the ocean to find any sea otters.

3. When I was a boy, these old people told me that Alaska Natives used to make very nice clothes from sea otter, including parkas. They also made sleeping bags from sea otter fur. These people also told me that Alaska Natives used to make a bag from sea otter fur that was used as a sewing kit for carrying and storing needles and other sewing supplies.

DATED: 5-3-88

John Klashnikoff
John Klashnikoff

LAW OFFICES OF
ALASKA LEGAL SERVICES CORPORATION
ADMINISTRATIVE AND STATEWIDE OFFICE
550 WEST 8TH AVENUE, SUITE 300
ANCHORAGE, ALASKA 99501
(907) 276-0282

SUBSCRIBED AND SWORN TO before me this 5th day of May, 1988.

Marta C. Morris
Notary Public in and for Alaska
My Commission Expires: 09-11-89

AFFIDAVIT

I, MICHAEL H. NAUMOFF, swear and affirm under penalty of perjury that the following information is true and correct:

I was born in 1911 in the Village of Afognak, Alaska. My father was Paul P. Naumoff who died in 1929 at the age of 90. My mother was the former Nora Nekrasoff. She died in 1931.

My father was of Tlingit descent and came from Sitka. My mother was Aleut.

The Alaska Natives known to me and my family used sea otter pelts in many ways. There was a type of undergarment similar to "longjohns" made with the fur on the inside. Different types of coats, vests, and parkas were made with the fur on the outside, making it possible to wear two layers of sea otter fur. This would keep you warm in the coldest of conditions. Sea otter pelts were also used to make warm mittens and winter hats. I can speak both English and Alutiiq, the Aleut language.

My eyesight is no longer good but I have had this statement read to me and I swear and affirm that its' contents are true.

MICHAEL H. NAUMOFF

SWORN TO AND SUBSCRIBED before me this 12 day of MAY 1988.

NOTARY PUBLIC
My Commission Expires: 3/89

Affidavit of Eddie Laushakoff

I swear, depose and state:

1. I am Aleut born in Tatitlek, Alaska. I am 63 years old. I live in Chenega Bay.

2. My dad was Mike S. Laushakoff, and my mother was Darrel.

3. My grandfather used to get sea otter. I used to go out with him. We would go out in a bidarkie and he would teach me about sea otter. We never got sea otter because it was closed then. But he would tell me that he and others of our people would make vests, capes and parka's. Capes were made a lot* made with wood or bone buttons. Bones were used for buttons on the vests too. Some had collars and some were plain. I saw these. I saw how they were made. These were made prior to 1972. Hats were made by Aleut people also. They were Russian style.

DATED: 4-1-88 Eddie M Laushakoff

SUBSCRIBED AND SWORN TO before me this 1st day of April, 1988.

Diane E Benson

Notary Public in and for Alaska

My Commission Expires: 7-27-91

AFFIDAVIT OF JOHN PIPKIN
ON TRADITIONAL SEA OTTER USAGE

I, John Pipkin, swear, depose and state:

1. I am non Native and a fisherman and I am married to Phyllis from Chenega Bay.

2. I fished with Danny Pearen in 1979-1980 in Copper River Delta area out of Cordova. He was Tlingit Indian and I used to talk to him a lot.

3. Danny lived in Cordova probably 40 years or so. He taught me about Tlingit dances, and he himself had been taught to be a medicine man. He was about 71 years old then. He died around 1982.

4. Danny told me that in the old days they would kill a couple sea otter a year just for ceremonies. Pelts and bones were used. He said sea otter were only used by medicine people for these rituals. The jaw bone and feet were used. The furs were used for robes. This is what I learned from Danny.

DATED: 4-1-88 John Pipkin.

SUBSCRIBED AND SWORN TO before me this 1st day of April, 1988.

Diane E. Benson.
Notary Public in and for Alaska
My Commission Expires: 1-27-91.

AFFIDAVIT OF PAUL KOMPKOFF SR.
ON TRADITIONAL SEA OTTER USAGE

I, , swear, depose and state:

1. I am Alaska Native, Aleut and I have lived in the Prince William Sound all my life. I am probably the oldest person in Chenega Bay which is where I live I am 64 years old.

2. I live subsistence, and in that I hunt land otter. I sell those. Sea otter hides are prettiest though. I clean alot of them for people.

3. Our people made blankets out of sea otter. They are very warm. And they also made hats.

DATED: April 2 1988 Paul Kompkoff.

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 1988.

Diane E. Benson.
Notary Public in and for Alaska
My Commission Expires: 7-27-91.

AFFIDAVIT OF PAUL KOMPKOFF SR.
ON TRADITIONAL SEA OTTER USAGE

I, , swear, depose and state:

1. I am Alaska Native, Aleut and I have lived in the Prince William Sound all my life. I am probably the oldest person in Chenega Bay which is where I live I am 64 years old.

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DATED: April 2 1988 Paul Kompkoff.

SUBSCRIBED AND SWORN TO before me this 2nd day of April, 1988.

Diane E. Benson.
Notary Public in and for Alaska
My Commission Expires: 7-27-91.

Affidavit of Eddie Laushakoff

I swear, depose and state:

1. I am Aleut - born in Tatitlek, Alaska. I am 63 years old. I live in Chenega Bay.

2. My dad was Mike S. Laushakoff, and my mother was Darrel.

3. My grandfather used to get sea otter. I used to go out with him. We would go out in a bidarki and he would teach me about sea otter. We never got sea otter because it was closed then. But he would tell me that he and others of our people would make vests, capes and parka's. Capes were made a lot - made with wooden bone buttons. Bones were used for buttons on the vests too. Some had collars and some were plain. I saw these. I saw how they were made. These were made prior to 1972. Hats were made by Aleut people also. They were Russian style.

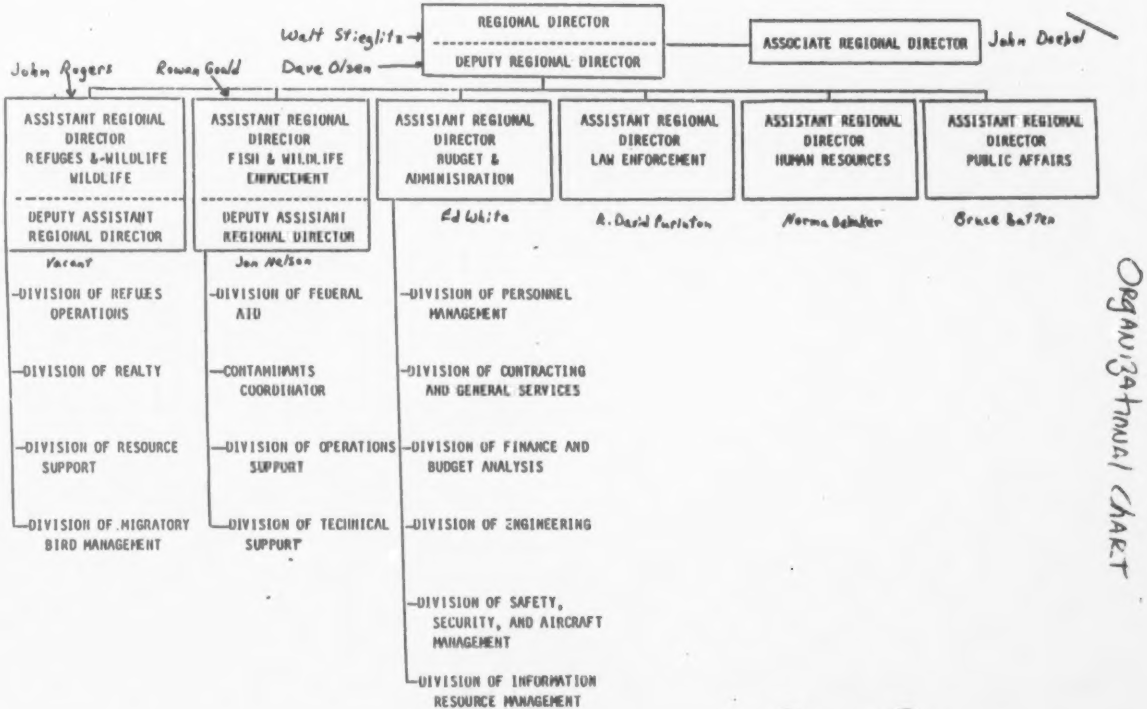
DATED: 4-1-88 Eddie W. Laushakoff

SUBSCRIBED AND SWORN TO before me this 1st day of April, 1988.

[illegible] E. Dawson
Notary Public in and for Alaska
My Commission Expires: 7-27-91

USFWS
Organizational Chart

REGION 7


REGIONAL DIRECTOR
DEPUTY REGIONAL DIRECTOR
Walt Stieglitz
Dave Olsen
ASSOCIATE REGIONAL DIRECTOR
John Doebel
John Rogers
Rowan Gould
ASSISTANT REGIONAL DIRECTOR REFUGES &-WILDLIFE WILDLIFE
DEPUTY ASSISTANT REGIONAL DIRECTOR
Vacant
DIVISION OF REFUGES OPERATIONS
DIVISION OF REALTY
DIVISION OF RESOURCE SUPPORT
DIVISION OF MIGRATORY BIRD MANAGEMENT
ASSISTANT REGIONAL DIRECTOR FISH & WILDLIFE ENHANCEMENT
DEPUTY ASSISTANT REGIONAL DIRECTOR
Jon Nelson
DIVISION OF FEDERAL AID
CONTAMINANTS COORDINATOR
DIVISION OF OPERATIONS SUPPORT
DIVISION OF TECHNICAL SUPPORT
ASSISTANT REGIONAL DIRECTOR BUDGET & ADMINISIRATION
Ed White
DIVISION OF PERSONNEL MANAGEMENT
DIVISION OF CONTRACTING AND GENERAL SERVICES
DIVISION OF FINANCE AND BUDGET ANALYSIS
DIVISION OF ENGINEERING
DIVISION OF SAFETY, SECURITY, AND AIRCRAFT MANAGEMENT
DIVISION OF INFORMATION RESOURCE MANAGEMENT
ASSISTANT REGIONAL DIRECTOR LAW ENFORCEMENT
R. David Purlaton
ASSISTANT REGIONAL DIRECTOR HUMAN RESOURCES
Norma Belmker
ASSISTANT REGIONAL DIRECTOR PUBLIC AFFAIRS
Bruce Batten

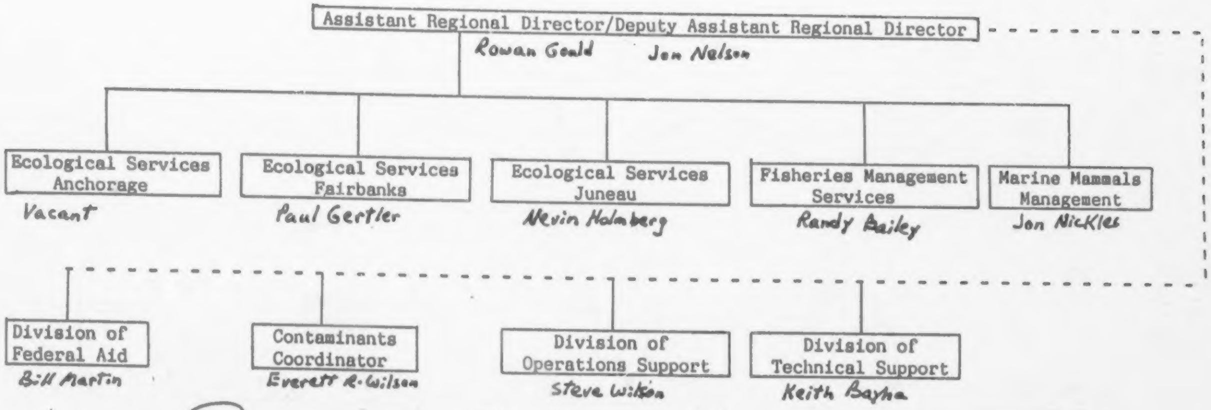
3-22-88

DIRECTOR DATE

FISH AND WILDLIFE ENHANCMENT

REGIONAL ORGANIZATION

ALASKA 1988


Assistant Regional Director/Deputy Assistant Regional Director
Rowan Gould
Jon Nelson
Ecological Services Anchorage
Vacant
Ecological Services Fairbanks
Paul Gertler
Ecological Services Juneau
Nevin Holmberg
Fisheries Management Services
Randy Bailey
Marine Mammals Management
Jon Nickles
Division of Federal Aid
Bill Martin
Contaminants Coordinator
Everett R. Wilson
Division of Operations Support
Steve Wilson
Division of Technical Support
Keith Bayha

Submitted By: Rowan W. Gould — 4/8/88
Assistant Regional Director — Date

Approved By: Walter O. Stieglitz — 4/11/88
Regional Director — Date

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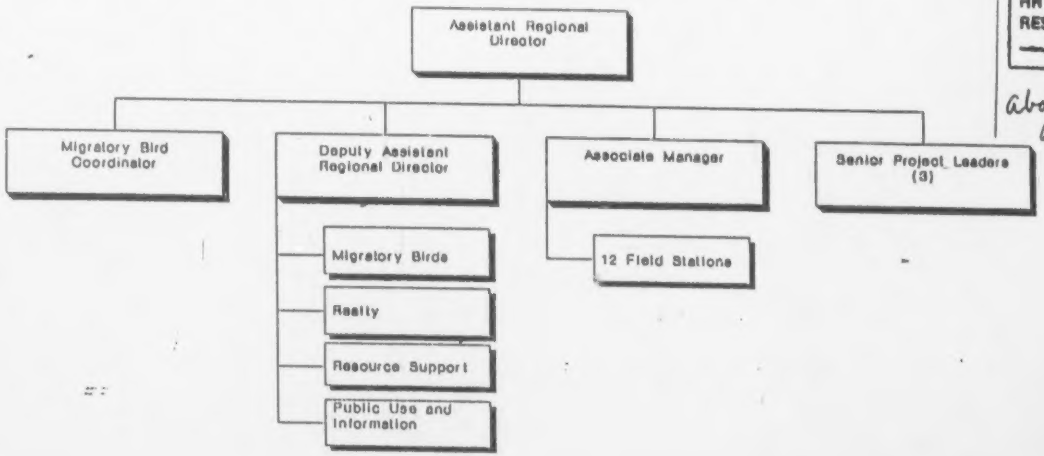
U.S. Fish and Wildlife Service

Refuges and Wildlife


Assistant Regional Director
Migratory Bird Coordinator
Deputy Assistant Regional Director
Associate Manager
Senior Project Leaders (3)
Migratory Birds
Realty
Resource Support
Public Use and Information
12 Field Stations

Walter O. Stieglitz 6/13/88
Recommended by Date

6/24/88
Approved Date

Region 7 - Alaska

Alaska Native Health Board

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COMMUNITY HEALTH AIDE PROGRAM

IN CRISIS

BRIEFING PAPER

The purpose of this paper is to alert Congressional members, their staff and other concerned individuals to the current status of Alaska's Community Health Aide Program (CHAP). The CHAP Program is the foundation of all health care for 42,722 rural Alaskan Natives. The program is in imminent danger of collapse due to severe underfunding. There is an immediate and critical need to redress the problem of underfunding which has resulted in an unacceptably high attrition rate and unmet Community Health Aide (CHA) training needs. This has compromised the quality of care CHAs are able to provide.

OVERVIEW OF THE COMMUNITY HEALTH AIDE PROGRAM

Alaska has a total land mass of 586,585 square miles and constitutes one-fifth the area of the United States. Within this vast area, 42,722 Alaskan Natives live in 171 villages located up to 1,300 miles from the nearest sub-regional center. Ninety percent of the villages are almost entirely inaccessible. Access is gained only through small single engine aircraft. Provision of goods and services and the delivery of health care to these remote sites is a challenge of unparalleled dimensions anywhere else in the Nation.

The CHAP Program is a unique system of health care. It is designed to extend primary health care services to underserved Alaskan Natives living great distances from the nearest traditional health care facility. This system of health care is found only in Alaska.

Community Health Aides (CHAs) are village based Alaskan Native paraprofessional health care providers. They are hired by

Regional Health Corporations (P.L.93-638 Contractors) from candidates selected by the communities in which they will serve. The CHAs begin their training only after they are hired. Basic training consists of three training sessions each lasting 3-4 weeks, followed by a two week preceptorship. Training sessions are interspersed with months of village based clinical experience. Certification is gained after successful completion of a statewide certification examination. Medical supervision is provided by hospital based physicians who consult with CHAs during daily telephone or radio contact.

Unlike other primary health care providers, CHAs carry the full responsibility for their positions prior to completion of training. The responsibilities of a CHA with four weeks of training are very similar to those of a fully trained and experienced CHA.

CHAs are the sole health care providers residing in rural Alaskan villages. They assess and treat patients according to standard protocols and as directed by supervising physicians. They provide care to acutely ill patients, emergency care, well baby checks, immunizations, and other preventive activities. In addition they manage the clinic facility. CHAs maintain standard clinic hours and provide 24 hour emergency care. The job stress associated with providing health care in an isolated remote location is severe and the turnover under present conditions is considerable.

The CHAP Program became firmly established during the tuberculosis (TB) epidemic of the 1950s. Village volunteers known as "Chemotherapy Aides" monitored the administration of TB medicines in a village based treatment program. The volunteers, predecessors of the CHAs, successfully brought TB under control in rural Alaska.

In the ensuing years the role of the CHA evolved and expanded. Despite their essential role in the Alaskan Native health care system it was not until 1968 that the Federal Government recognized the CHAP Program concept.

In 1968 Congress authorized funds to train and provide a salary for 185 CHAs working in 157 villages. In 1978 the program expanded to 205 positions in 171 villages and remains at that level today. Throughout the history of the Program the CHA to village ratio has been 1.2 CHAs per village. The ratio has remained the same despite greatly expanded responsibilities, increased training requirements, a 49 percent increase in the native population and an explosion in the demand for services. In FY 1987 CHAs provided care in 208,501 patient visits.

From the outset it was recognized that one person alone could not carry the responsibility of health care in a village 24 hours per day. An alternate (substitute) CHA system evolved. Alternate CHAs (A-CHAs) substitute when the primary CHA (P-CHA) is sick, leaves the village for training or takes annual leave. They assist with emergency care as well. A-CHAs are an intregal and important component of the CHAP Program.

Funding for the CHAP Program is based on Congressional recognition of positions. Today's funding provides for training and salary for 205 Primary CHAs. In actuality these funds are stretched to support 464 positions. Funds are insufficient to provide training, supervision, and salary.

By the Indian Health Service Resource Requirements Methodology (RRM) the CHAP Program is grossly underfunded. According to RRM calculations for the CHAP, a fully funded program would cost $21,611,627. By contrast the Federal Government funds the Program at $5,532,304.

During the last five years, the State of Alaska has provided funds to the CHAP Program in an effort to rescue this grossly underfunded program. The state contributes $2.2 million per year for supervision and training of CHAs. They do not provide funds for CHA salaries. These additional funds do not begin to cover the actual level of need. Further it is possible that these funds could be reduced in response to the current severe state financial crisis.

THE COMMUNITY HEALTH AIDE PROGRAM: IN CRISIS

The CHAP Program is in danger of total collapse as demonstrated by:

1. A statewide attrition rate of 33% (151 of 464 CHAs in FY 1987).

2. The training system cannot meet CHA training needs. Thirty percent of CHAs practicing have less than the first four weeks of basic training. Fifty-seven percent have less than 8 weeks of basic training. Less than half are certified.

3. CHA salaries are inconsistent with the responsibilities of the position. Less than 15% of the CHAs are earning an income level above the Alaska Public Assistance eligibility criteria.

4. CHAs are inadequately supervised and supported in a very difficult and stressful job.

5. 28-30 villages do not have clinics leased by IHS. Many villages with clinic leases receive insufficient funds to maintain and operate the clinic facility.

The fragility of this system has serious consequences. The quality of care provided by an inadequately trained, inexperienced CHA is significantly less than that of a fully trained, experienced CHA. The quality of care for an entire village plummets with the resignation of one experienced CHA.

Coverage under the Federal Tort Claims Act was recently extended to P.L.93-638 contract employees, including CHAs, who perform medical functions. If the current funding problems continue CHAP will become more vulnerable to malpractice claims. The program needs an infusion of funds to avoid this result.

ADDRESSING THE CHAP CRISIS: A PROPOSED SOLUTION

It is clear that the Program is in crisis and demands immediate attention. To be effective, any proposed solution must address the current problems and guarantee basic medical care for rural Alaskan Natives.

During the last five months, work has been underway to define the problems and craft solutions to prevent the collapse of this program. This work culminated in a meeting of a subcommittee of statewide CHAP Program Directors, March 7-11, 1988. They developed a plan to restructure the program to improve the quality of care CHAs provide and to improve the working conditions of the CHAs to decrease the attrition rate.

The plan includes the following:

1. Increase the number of funded positions to 448.

2. Institute a work schedule which would reduce CHA burn out.

3. Increase the CHA training capacity to meet need.

4. Provide CHAs with salaries that compensate them fairly for the responsibilities of their positions.

5. Improve support and supervision to CHAs.

6. Extend the Village Built Clinic Program to all clinics served by CHAs. Ensure that clinic leases provide sufficient funds to operate the clinics.

The cost of restructuring the system would be $28.7 million annually over the next three years to meet the training requirements of 448 full time equivalents (FTE) after which $26.5 million per year would be required. The genesis of the $28.7 million is set forth in "Alaska Community Health Aide Program In

Crisis". The cost does not include improving clinic facilities and operation and maintenance costs.

Realizing that budgetary constraints have necessitated cuts in Federal and State funded programs and that full funding of the CHAP Program at this time may not be possible, the CHAP Directors have prepared an alternative budget with a reduction of all CHAP personnel salaries by 25%. This less preferred alternative would require an initial budget of $22.5 million over each of the next three years followed by a maintenance budget of $20.3 million per year. The CHAP Directors caution that this less preferred alternative fails to fully correct the inadequate CHAP Program salary structure.

CONCLUSION

The Community Health Aide Program is a vital component in the health care delivery system for rural Alaskan Natives. CHAs provide health care services to 42,722 Alaskan Natives living in remote, isolated villages of 50-900 people who would not otherwise have access to health care. It is culturally acceptable and cost effective. Health care is delivered by Alaskan Natives for Alaskan Natives fostering independence and self determination at a current cost of $37 per patient visit. There is an immediate and critical need to redress the problems of underfunding of this program.

WEATHER BOUND WITH TWO CRITICAL PATIENTS

> Weather conditions on the coast of northwest Alaska can be severe. High winds and blowing snow can close the airstrip for days. Such were the conditions when the CHA was called to see a patient who was having difficulty breathing. The patient had a collapsed lung. While caring for the patient, the CHA was called to the home of a woman who was six months pregnant and in labor. Both patients needed immediate medical treatment in a hospital setting. Severe cross winds prevented planes from landing. After four days of providing round-the clock treatment, the CHA mobilized the village residents to create a snow-pack airstrip perpendicular to the existing runway. Unable to land in severe crosswinds, a plane was able to land with the wind. A plane arrived and transported the patients to the hospital 100 miles away. The patient with the collapsed lung eventually recovered and returned home. The young woman in premature labor was able to carry her child to term and delivered a healthy baby.

Alaska
Community Health Aide Program
In Crisis

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March 28, 1988

for the

Alaska Native Health Board
and
Association of Regional Health Directors

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COMMUNITY HEALTH AIDE PROGRAM
A PROGRAM IN CRISIS

INTRODUCTION

The purpose of this report is to acquaint Congressional members, their staff and other concerned individuals with the provision of health care services to rural Alaskan Natives, Alaska's Community Health Aide Program (CHAP) and the status of the Community Health Aide (CHA). The CHAP has been in existence for 30 years. Originating as a group of volunteers who distributed medication for a specific disease condition, the CHAs are now the foundation of health care in rural Alaska. Funding for the program has not kept pace with program change over time. As a result, dedicated, caring, underpaid CHAs are now providing health care to residents of rural Alaska in substandard clinic facilities.

We urge you to do the following:

1) acquaint yourself with the CHAP;
2) recognize the contributions the CHAs make in maintaining the health of the residents of 171 rural Alaskan communities;
3) commit to insuring that CHAP receives sufficient funding to provide a quality program inclusive of adequate training, support and supervision for the CHAs.

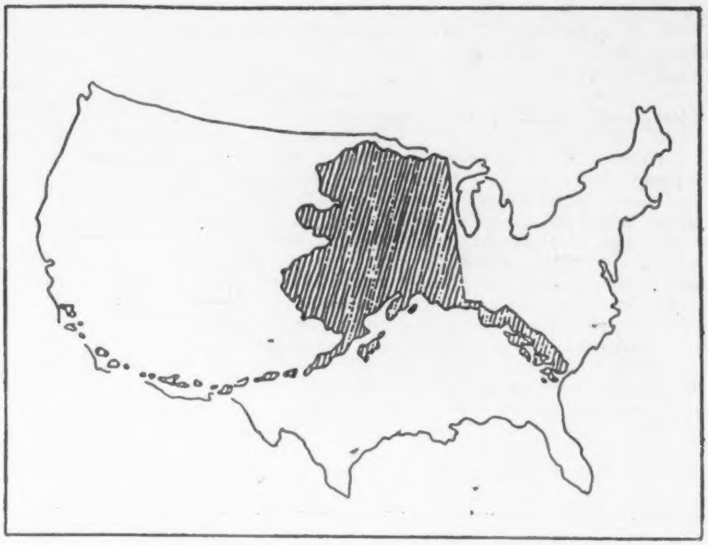
ALASKA - THE LAND AND THE PEOPLE

PHYSICAL CHARACTERISTICS

Alaska's extreme climate and geographic characteristics have a significant impact on the health of the population and the organization of the health care system. The harsh climate and terrain contribute heavily to the incidence of accidental injuries and death. The Arctic winter and darkness influence the behavioral health of the population. (State Health Plan for Alaska, 1984)

Alaska has a total land mass of 586,585 square miles and constitutes one-fifth the area of the United States. See Figure 1. There is a tremendous variation in climate and terrain, ranging from a mountainous maritime environment in Southeast Alaska to an arctic plain in the Arctic Slope area. There are four major climate zones: a temperate maritime climate in the southern coastal area; a continental climate in interior Alaska; a transitional climate in western Alaska and in the southcentral area north of the Pacific border mountain ranges; and, an arctic climate in the region north of the Brooks Range. (State Health Plan for Alaska, 1984)

FIGURE 1



Alaska - total land mass is one-fifth the United States

From: State Health Plan for Alaska, 1984.

TRANSPORTATION

The majority of villages in rural Alaska are isolated from each other, separated by tremendous distances, vast mountain ranges, stretches of tundra, glaciers, and impassable river systems. Most of the communities are not connected to a road system. Air transportation is the primary means of travel on a statewide basis. Provision of goods and services to this remote region is extremely difficult.

WEATHER BOUND WITH TWO CRITICAL PATIENTS

Weather conditions on the coast of northwest Alaska can be severe. High winds and blowing snow can close the airstrip for days. Such were the conditions when the CHA was called to see a patient who was having difficulty breathing. The patient had a collapsed lung. While caring for the patient, the CHA was called to the home of a woman who was six months pregnant and in labor. Both patients needed immediate medical treatment in a hospital setting. Severe cross winds prevented planes from landing. After four days of providing round-the-clock treatment, the CHA mobilized the village residents to create a snow-pack airstrip perpendicular to the existing runway. Unable to land in severe crosswinds, a plane was able to land with the wind. A plane arrived and transported the patients to the hospital 100 miles away. The patient with the collapsed lung eventually recovered and returned home. The young woman in premature labor was able to carry her child to term and delivered a healthy baby.

POPULATION CHARACTERISTICS

With a 1980 population of 480,481, the population density of Alaska was 0.68 persons per square mile as compared to a national population density of 64.0. Seventy-six percent of the population (365,000 people) live in three urban centers. Fifteen percent (72,000 people) live in sub-regional centers which are 400-700 miles from the urban centers and nine percent (42,722 people) live in 171 small villages located up to 1,300 miles from the nearest sub-regional center. Ninety percent of these villages are accessible only by aircraft.

The people living in the remote villages are primarily Alaskan Natives. Residents, by tradition and out of necessity, rely heavily on subsistence activities. Lacking an economic base, hunting, fishing, trapping and berry picking provide many of the basic necessities of life.

The population age distribution plays a large role in determining the health status and health service needs of a given population. National and State studies have correlated age to the prevalence of acute and chronic conditions as well as the utilization of health services. Children less than five years old and women in the child bearing years are high consumers of health care services. Older persons are likely to experience chronic conditions requiring contact with the health care system. This is true in the Alaskan Native population as shown in TABLE 1.

TABLE 1

Average Annual Alaskan Native Per Capita Visits for Health Services by Age Group and Gender*

Age Group	Male	Female
< 5 yrs	7.3	6.4
5-14 yrs	3.6	3.2
15-24 yrs	3.2	5.5
25-44 yrs	3.6	6.4
45-64 yrs	4.7	6.5
65 + yrs	6.4	6.8

* Source- U.S. Public Health Service,
Health and Human Services, 1980.

In general the Native population has a relatively large percentage of youth (42.7% Native as opposed to 30.6% non-Native are 17 years of age or younger). In the age group 65 years or older Alaskan Natives account for 4.6% of the population as opposed to 2.6% non-Natives. (State Health Plan of Alaska, 1984) A high percentage of the population falls within the high user age groups. Eleven percent (7,054 people) are less than 5 years old and 22% (14,108 people) fall within the ages of 15-44 years old.

HEALTH STATUS - ALASKAN NATIVES

The health status of rural Alaskan Natives is related to poverty, rapid social change, the harsh climate and terrain, and the isolation of the communities in which they live. The accidental death rate among Alaskan Natives is 229 per 100,000 population compared to a national rate of 80 per 100,000 population. The suicide rate for Alaskan Native males 20-24 years old is 257 per 100,000, more than 20 times the national suicide rate. The incidence of tuberculosis among Alaskan Natives in 1985 was nearly 10 times the rate for the entire United States population.

The 1981 infant mortality rate for Alaskan Natives is 18.8 deaths per 1,000 live births compared with a non-native infant mortality rate of 8.24. (Alaska Department of Health and Social Services, 1987) Hepatitis B, otitis media, respiratory, and gastrointestinal disorders are a frequent cause of morbidity amongst Alaskan Natives.

THE COMMUNITY HEALTH AIDE PROGRAM (CHAP)

The CHAP is a unique system of health care designed to extend primary care services to the Alaskan Natives living in villages located great distances from the nearest traditional health care facility. In the United States this system of health care is found only in rural Alaska. Natives are hired by the Regional Health Corporations (PL-638 Contractors) from candidates chosen by the communities in which the CHA will serve. The CHAs begin their training in the delivery of health care services after they are hired.

Basic training consists of three training sessions, each lasting 3-4 weeks, and a two week preceptorship. For curriculum overview see Attachment 1. Training sessions are interspersed with several months of village clinical experience. Completion of training takes two to three years. Unlike other primary health care providers, CHAs carry the full responsibility for their position prior to completion of training.

Supervision is a very important component of any program. Supervisors ensure the quality of the product (in this case the quality of health care provided at the village level), monitor all aspects of job performance, and support and guide the worker.

Medical supervision is provided to CHAs through daily scheduled telephone or radio contact with hospital based physicians. The CHA presents pertinent information about the condition of the patients he or she has seen. The physician then advises the CHA on the appropriate treatment for each patient. An assigned physician visits the village clinic twice a year to provide direct services as well as observe the clinical skills of the CHA.

Overall job performance of the CHA is monitored by CHA Supervisors employed by the health corporations. The Supervisors ensure that corporation policies are implemented for these village based employees. Corporation Supervisors for CHAs provide supervision through field visits to village clinics and through daily to weekly telephone communications with the CHA. Supervisors monitor CHA job performance in all aspects and assist the CHA in achieving a high standard of performance. They support, teach and give guidance to CHAs, assist with problem resolution, provide moral support, and serve as a liaison for the medical system and the CHA, and the CHA and the village. The Supervisors work very closely with the local governing body in each village to ensure that CHAs receive support from within the village as well as from outside the village.

CHAs provide services in clinics leased by the village from the Indian Health Service (IHS). The Village Built Clinic Program was created to address the need for adequate health care facilities in Alaskan villages served by CHAs. The purpose of the program was to provide operational costs for clinics owned by villages or traditional councils.

HISTORY OF THE COMMUNITY HEALTH AIDE PROGRAM

The CHAP evolved in response to the need to extend medical care to Alaskan Natives living in rural Alaska. Before the end of World War II, there were few hospitals or health programs in Alaska. In 1955, the IHS assumed responsibility for the provision of health care to Alaskan Natives. Hospitals were established in nine population centers. These hospitals served those Natives living in the vicinity of the hospital but for the most part failed to reach those living in the many villages that the hospitals were intended to serve. Failure to reach the remote rural areas was most likely due to transportation limitations imposed by the geography of the region and vastness of the land. No road system connected the centers to the villages served. Therefore access to the service was limited.

The limitations of the hospital based system became very evident during the tuberculosis (TB) epidemic of the 1940's and 1950's. During the early years of the epidemic, large numbers of victims were sent out of the region for care in sanitariums. As medicines became available, an attempt was made to treat patients closer to home. Village volunteers monitored the administration of antitubercular medicine to patients in the village and served as intermediaries for the patient and physician. These volunteers were called "chemotherapy aides". (O'Hara - Devereaux, 1980)

The program successfully brought TB under control. The value of this village-based program was firmly established. These village-based volunteers were the predecessors of the CHAP. From 1955 to 1964 village health aides, most of them volunteers, began to take on more responsibility for a variety of health problems. In the past 20 years, the role of the CHA has evolved and expanded.

ROLES AND RESPONSIBILITIES OF THE CHA - 1988

The village clinic and the CHA are the focus of all health care in rural Alaskan villages. CHAs are the only health care providers residing in rural Alaskan villages. Currently, 171 villages with population ranges of 25-800 people are served by CHAs. The village CHA is the first level of contact with the health care delivery system for rural Alaskan Natives. CHAs maintain standard clinic hours five days per week and respond to medical emergencies 24 hours a day, 365 days per year.

The CHA examines and treats each patient according to protocols outlined in the Community Health Aide/Practitioner Manual* or as directed by the supervising physician via telephone or radio. Most patients are successfully treated by the CHA in the village. Serious or complicated cases are referred to the physician and transported to the nearest hospital if necessary. CHAs provide care to acutely ill patients, provide emergency care, perform prenatal care, well baby checks, immunizations, and other preventive activities. They work with numerous Federal, State, and local providers of services. They assist with the investigation and containment of infectious disease outbreaks. In addition, they manage the clinic pharmacy, supplies, equipment, and facility.

The CHAs have become an indispensable, important component of health care for rural Alaskan Natives. They ensure that basic primary care services are available, accessible, continuous, acceptable to the population, and cost effective. Although little known, the CHAP is one of the most successful models of integrated primary care in the world, particularly for regions or communities that are rural and remote. (O'Hara-Devereaux, 1980)

The importance of this program cannot be over-estimated. In FY '87 the CHAs had 208,501 patient visits. For rural Alaskan Natives the average cost of round trip transportation for a visit with the nearest physician is $175.00. Since the majority of patients exist below the federal poverty level, without the CHA, many Alaskan Natives would not have access to health care.

EMERGENCY

On a beautiful spring day, the CHA was taking care of family duties. Someone screamed and the CHA grabbed her medical bag and ran to a neighbor's house. A child had been bitten in the neck by a dog. The child was barely breathing due to a gash in her windpipe. Within a short time, the child's breathing was further impaired due to localized swelling. The CHA provided emergency treatment for 1 and 1/2 hours until an airplane arrived to transport the child to the closest hospital, 45 minutes air-time from the village. This experienced CHA was able to manage the localized swelling and keep the child alive until help arrived.

* Burgess, Robert, M.D. Community Health Aide/Practitioner Manual. U.S. Department of Health and Human Services, Alaska Area Native Health Service, U.S. Government Printing Office, Washington, 1987.

FUNDING FOR THE CHAP

Despite the extensive role in the rural health care delivery system, it wasn't until 1968 that the Federal government recognized the CHAP concept. In that year, Congress authorized funds to train and provide a salary for 185 CHAs working in 157 villages. In 1977, Congress authorized expansion of the CHAP to 205 positions in 171 villages. In 1988, Congress continues to recognize 205 positions as shown in TABLE 2.

TABLE 2

Community Health Aide to Village Ratio By Year

	RATIO		
YEAR	CHA	:	VILLAGE
1968	1.2	:	1
1977	1.2	:	1
1988	1.2	:	1

Funding for the CHAP is based on Congressional recognition of positions; a set amount of dollars is granted per position. Since 1968 the responsibilities of CHAs have expanded greatly; training for CHAs has increased significantly (from 2 weeks to 12); the number of patient visits has risen sharply; and the Alaskan Native population has increased by 49%.* Officially the provider to village ratio has not changed at all in 20 years. Currently the Federal government funds the CHAP at $5,532,304. This level of funding is insufficient to sustain the CHAP.

In order to preserve the CHAP, the State of Alaska and the regional Native health corporations and local communities have implemented a crisis response strategy. The State contributes approximately $2,000,000 annually for the training and supervision of CHAs. Emergency funding provided by the corporations and local communities amounts to a 52% subsidy, based on the actual costs of operating the program in comparison to Congressional allocation. These emergency funds are obtained by re-programming dollars from other important health programs.

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* This information is calculated from Rogers, 1971 and Alaska Department of Labor, 1987.

The impact of this subsidizing effort on health care services for Alaskan Natives is best understood in terms of the extreme underfunding for all Alaskan Natives and American Indian health care. Currently, the per capita personal health care expenditure for Alaskan Natives/American Indians is $575 compared to $1,150 for the U.S. general population. Therefore, subsidizing the CHAP seriously undermines the viability of other critical health programs which are already terribly underfunded. (U.S. Department of Health and Human Services, 1986)

COMMUNITY HEALTH AIDE PROGRAM IN CRISIS

PROGRAM UNDERFUNDED

The current status of the CHAP is a direct result of inadequate funding throughout the Program's 30 year history. As stated previously, the CHA to village ratio is 1.2:1. From the beginning of the Program, health corporations recognized that one person alone could not be responsible for the provision of health care 24 hours a day, 365 days per year. A back up system was needed so that the village would not be without health care in the absence of the CHA. The Alternate CHA system evolved to meet this need.

CHAs employed to provide health care services on a regularly scheduled basis are known as Primary CHAs (P-CHA) and represent the positions allocated by Congress. Currently there are 239 P-CHAs. (Attachment 2) Health corporations have split a number of FTE positions to half time positions to maximize CHA utilization.

Alternate CHAs (A-CHA) generally substitute when the P-CHA is sick, leaves the village for training, or takes annual leave. In some regions A-CHAs assist with emergency coverage during evenings, nights, weekends and holidays. There are 225 A-CHAs statewide (Attachment 2). The responsibilities of the A-CHAs are the same as P-CHAs. While on duty, they assess, treat and otherwise respond to all villagers in need of health care.

A-CHA positions are not officially funded by the Federal or State governments. In general, health corporations use Federal dollars to pay the A-CHA during the time the P-CHA is away from his/her duties. Thus funding intended to provide salaries and training for 205 positions actually supports 464 positions.

IHS uses a Resource Requirement Methodology (RRM) to estimate the amount of funding required to bring IHS services to parity with the general United States population. The Health Corporations have concerns about the CHAP component methodology. None the less, the IHS RRM derives a total budget need of $21,611,627 to support the CHAP. (Attachment 3) At the present time, the Federal Government funds the CHAP at $5,532,304 which is 26% of the total IHS projected need. With the State's contribution to the program, CHAP is operating at 37% of the total need.

The Program is in danger of total collapse as demonstrated by:

1. A statewide attrition rate of 33% (151 of 464 CHAs in Fiscal Year (FY) 1987. (Attachment 4 and 5)

2. The existing training system cannot meet current training needs. Thirty percent of the CHAs practicing today have less than the first four (of twelve) weeks of basic training. 57% have had less than 8 weeks of basic training. Inadequately trained, inexperienced CHAs are providing health care in the villages. (Attachment 6)

3. Rural clinics are physically inadequate and lack basic clinic supplies. Many clinics do not have running water and many lack hand washing facilities in each examining room. Heating systems break down frequently.

1. CHA ATTRITION RATE

As stated previously, the statewide attrition rate for CHAs is dangerously high at 33% (151 of 464 CHAs in FY `87). Unlike all other health care providers, trained and experienced CHAs are replaced by untrained, inexperienced lay people who have an 8th to 10th grade educational level. The quality of care plummets in a village when a CHA resigns. It takes years to restore the quality of care to a high level.

In 1987, the attrition rate for the P-CHAs statewide was 28% (66 of 239) with a range of 0%-37%. (Attachment 4)

Reasons given by the P-CHAs for attrition included:

a. burn out;
b. overwhelming job responsibilities;
c. low salary;
d. responsibility of providing emergency care 24 hours per day, 365 days per year;
e. not enough training;
f. family responsibilities;
g. stress of providing emergency care;
h. job too demanding;
i. too much on call; and
j. retirement.

The 1987 attrition rate for A-CHAs was 37% (84 of 225) with a range of 0% - 63%. (Attachment 5)

Reasons given by the A-CHAs for attrition included:

- a. not enough pay;
- b. lack of training;
- c. lack of opportunities to utilize skills learned in training;
- d. unpredictable work schedule;
- e. lack of opportunities to work; and
- f. promotion to primary position.

The attrition rate in both P-CHAs and A-CHAs is high. P-CHAs are overworked and stressed out from the responsibility they carry and their workload. A-CHAs provide a valuable service but are undertrained, underutilized, and stressed from attempting to provide quality care with little training and experience.

Stresses of the Job

The role of the CHA is not an easy one. The responsibilities and stresses of the position are extraordinary. A few of the most obvious stresses are as follows:

1. CHA is the sole health care provider in an isolated community; has limited training and basic equipment only.

   a. Attaining full certification as a CHA takes a minimum of 2 years; often longer. Learning the necessary skills and feeling competent in performing these skills takes years of practice.

   b. Back-up support for dealing with emergencies and difficult medical problems is not immediately available. Assistance may be hours away. Telephone communication with a professional is helpful but does not really substitute for "hands on" assistance from a competent professional.

      CHAs suffer tremendous pain and guilt if their best efforts cannot save a patient's life. Processing and resolving these feelings in the village is difficult because the CHAs, who often support others in need, find it difficult to reach out for comfort and support for themselves. Further, they must maintain patient confidentiality.

   c. Lack of peer support in the village.

   d. Village clinic facilities are basic structures with limited medical equipment. Heating systems break down frequently. Many clinics do not have running water. Maintaining high standards of sanitation in the clinic is difficult when water must be hauled to the clinic.

2. The work of the CHA is unpredictable.

   The work day of a CHA is as unpredictable as the day of an emergency room physician and is often as taxing. Because he or she lives in a small isolated community the CHA is never really "off" duty.

3. Practicing in a small isolated community, the CHA must provide health care services to close family members.

   This type of situation is avoided by all practitioners who recognize the difficulties of remaining objective when caring for family members.

4. Lack of support from villagers.

   a. Villagers don't seem to understand that a CHA, up for the entire night tending to victims of major trauma, may not be able to open the clinic on time in the morning.

   b. Even with a well advertised "on call" schedule in place, villagers often disregard the schedule and demand services from the CHA of their choice, thereby ensuring that all CHAs in the village are on call 24 hours a day, 365 days of the year; in essence the CHA becomes a slave of the village.

5. Demands for services are high.

   a. CHAs are called out in the middle of the night to tend to minor discomforts.

      1. Saying no to such requests can produce heavy criticism from villagers who feel the CHA should respond immediately to their requests.

      2. Saying no can result in a deep sense of guilt over not responding, and lost sleep wondering if the CHA should have responded to the request. Maybe the person is really in need of attention.

      3. Saying yes results in lost sleep and more requests for home visits for minor problems.

   b. As the sole village based health care provider, the CHA is called upon to provide a wide variety of services in addition to direct health care.

    1. **The CHA is often called upon to provide counseling to individuals experiencing psychosocial difficulties. The demand for such services is high due to social disruption secondary to a culture in transition and a high level of alcohol abuse in the villages.**

    2. **The CHA is viewed by the community as a supportive person. He or she is requested to support the terminally ill patient and their families.**

    3. **The CHA must assist itinerant health care providers during their trips to the villages. This entails long hours as itinerant providers work late in the evening and require the assistance of the CHA.**

6. **The demands of the job make it difficult to participate in important subsistence activities.**

    a. Year round, full-time employment makes it difficult to participate in traditional subsistence activities which decrease the cost of living in the village and contribute to well being.

    b. Family and job related responsibilities often pull the CHA in opposite directions.

7. **The CHA is a high profile figure in the community. In a small community the CHA is subject to close scrutiny. Criticism, justified and unjustified, and small town politics often contribute to the stresses of the job.**

FATAL "HIGH"

A CHA was called to examine two teenagers who were complaining of vision problems. During her assessment of the patients, the CHA learned that these two teens and 9 friends had consumed an unknown substance in a effort to get "high". The CHA immediately telephoned the physician at the hospital 60 miles away. She successfully conveyed the seriousness and extent of the problem. Airplanes were sent to the village to transport the victims to the hospital. The hospital mobilized their disaster plan. By the time the planes had arrived in the village, the CHA had identified the substance (methanol - small amounts can be fatal), gathered the victims together, determined the amount each had ingested, and triaged the victims so that those who were sickest arrived first at the hospital. The outcome: one teen died and four were flown to the tertiary hospital in Anchorage, 400 miles away. Accurate assessment of the problem and quick response on the part of the CHA saved ten teenagers' lives.

In summary, the job of the CHA is difficult and stressful. In general, CHAs are dedicated to their jobs, conscientious, and take the responsibility of their positions very seriously. Balancing the job with family responsibilities, community activities, and important subsistence and cultural activities, is at times impossible.

Compensation

In January, 1988 a statewide survey of the twelve CHAPs found that annual salaries for Primary (P-CHAs) CHAs ranged from $7,380 to $34,788. The weighted average annual salary for P-CHAs statewide is $17,397. (Attachment 7) The salary for Alternate CHAs (A-CHAs) is considerably less because they work so infrequently. During FY 1987, A-CHAs of the Yukon Kuskokwim Health Corporation, representing 42% of the State's A-CHAs, earned an average of less than $4,000/year.

A comparison with the Alaska Area Native Health Service (AANHS) salary range for various positions found that 68% of the CHAs earned less annually than a nursing assistant. A custodial worker in the AANHS system earns $34,346 - $40,066. One hundred percent of CHAs make less than a custodial worker. Although each CHA is on-call 24 hours a day, they are compensated for 6-8 hours of clinic time only.

A typical CHA is a 38 year old woman with 3 children under 21 years of age. If all CHAs (P-CHAs and A-CHAs) in Alaska were earning the maximum salary currently provided, only 15% would be earning an annual income above the Alaska Public Assistance eligibility criteria for a family of five members ($21,300/year).

2. TRAINING

Training should be provided in a timely manner to assure a high quality health care system. It is dangerous and unethical to sustain a health care system which is funded at such a level that adequate training cannot be provided. IHS funds the Anchorage CHAP (A-CHAP) to provide Primary CHA training only. Three additional training centers have evolved because A-CHAP was unable to meet the training demands of the Corporations and because the Corporations recognized that Alternate CHAs must have basic training to provide quality care. The State and Corporations have had to fund these training programs. Still funding is not sufficient to meet the current needs for training. The high attrition rate makes it impossible to meet the training need. Primary CHAs are targeted for completion of basic training. Alternate CHAs receive an abbreviated 4 week course which does not sufficiently prepare them for their work.

Currently there are 464 CHA positions in the state: 239 Primary CHAs and 225 Alternate CHA positions. At the time of the statewide survey in January 1988, 49 positions were vacant. 30% of the CHAs currently employed have had less than the first four weeks of basic training while 57% have had less than eight weeks of basic training.

CHAs can function remarkably well with less than twelve weeks of basic training however the quality of care rises markedly with increased training and experience. Currently the statewide standard for CHA training is: Primary CHAs are to be certified within three years of date of hire and Alternate CHAs should have at least Session I training within 6 months. The current statewide training capacity is 29 sessions/year as shown in TABLE 3.

TABLE 3

Statewide CHA Training Capacity
Sessions Per Year

Training Center	Session I	Session II	Session III	TOTAL
IHS - Anchorage	4	4	3	11
Kuskokwim College	2	2	2	6
North Pacific Rim Health Corp.	4			4
Norton Sound Health Corp.	3	2	3	8
			TOTAL	29

The minimum number of sessions needed to attain the current standard of training for all 464 CHAs is 50.2 sessions (based on six students per session). The current unmet need is for 22 additional training sessions. (Attachment 8) This will be an ongoing annual need if steps are not taken to reduce attrition.

3. VILLAGE BUILT CLINIC PROGRAM

The Village Built Clinic Program (VBCP) became operational in 1969-70. Participation was limited to a total of 141 clinics. By 1987, 141 clinics were participating with a total budget of $1,691,340.00, for an average annual lease per village of $11,995.32. From its outset, the VBCP has been subject to the ebb and flow of federal funds subsidizing participating clinics. Villages that were added to the program during "lean" budget years received a lower original lease amount than those added during "fat" budget years. The funding allocated to each clinic per year is determined by the year in which the clinic lease was granted. It is not based on size, expenses, or other considerations. Currently 30 village clinics are not covered by this program.

The impact of inadequate lease appropriations is that clinics are not properly maintained. Break down in heating, electricity, water systems where they exist, and telephones occurs frequently. Village clinics are often inadequately heated making it impossible for CHAs to provide services in the clinics. Clinics with marginal systems freeze up during cold weather destroying medication and disrupting existing water systems. Attachment 9 shows the problems with the Village Built Clinic Program allocation methodology.

An example of the problems with the methodology is the 2,400 square foot Mountain Village clinic. Staffed by 3 P-CHAs and serving 729 people with 4,813 patient encounters in 1987, Mountain Village has a monthly lease of $678.00. The Tununak clinic is 768 square feet. It serves a population of 330 and has 1 P-CHA. In FY '87 the CHA had 1,324 patient encounters. It has a monthly lease of $1,168.00. In the past, Mountain Village would supplement this grossly inadequate lease amount with village operating funds. Such supplements are no longer possible due to the growing economic crisis in the state.

SUMMARY OF PROGRAM PROBLEMS

The Community Health Aide Program is a vital component in the health care delivery system of rural Alaska. It is culturally acceptable and cost effective. Health care is delivered by Alaskan Natives for Alaskan Natives fostering independence and self-determination at a current cost of $37 per patient visit. There is an immediate and critical need to redress the problems of underfunding that have resulted in an unacceptably high attrition rate, unmet training needs and the problems associated with CHAs operating in substandard clinics. These problems adversely affect the quality of health care that CHAs provide. As quality of care diminishes, the risk of liability increases.

In December of 1987, revisions to the Federal Tort Claims Act made dramatic changes in the Federal government's responsibility for medical liability to all P.L. 93-638 contractors. As a result of these revisions, the Federal government has accepted responsibility for medical liability for Community Health Aides. In its current condition, the CHAP is extremely vulnerable to medical malpractice lawsuits.

HELP FOR A CRITICALLY ILL INFANT

A young health aide was caring for a three month old infant who had pyloric stenosis. This is a stricture that develops where the stomach enters the small intestine, preventing food from being digested. Every time the infant was fed, she vomited the entire feeding. This condition requires prompt medical treatment or it becomes life threatening. Because of severe weather conditions, there was no transportation out of the village. Telephone and radio communications were down. The baby could not be transported to a hospital and the CHA had no means of consulting with a physician. The infant required intravenous feeding, but her veins were too small to insert an intravenous feeding tube. Without nourishment, the infant would die. The CHA opened a bottle of intravenous fluid and spoon fed the infant one-half teaspoon every 15 minutes around-the-clock for three days. The small amounts of fluid given around-the-clock enabled the baby to absorb the fluids and provided sufficient nourishment to sustain life, until the baby could be transferred to a hospital for surgery.

RECOMMENDED INTERVENTIONS FOR THE COMMUNITY HEALTH AIDE PROGRAM

Concerned with the current status of the CHAP, a Subcommittee of five statewide CHAP Directors (Attachment 10) met in Anchorage March 7-11, 1988. The purpose of the meeting was to evaluate the CHAP and develop a plan to restructure the program to improve the quality of health care CHAs provide and to improve the working conditions of the CHA. This process is long overdue. Their work was supported by the Alaska Native Health Board and the Association of Regional Health Directors.

To ensure access to and provision of quality health care to rural Alaskan Natives the following changes are necessary:

1. Increase the number of officially funded FTE positions from 205 to 448 CHA positions; this replaces the A-CHA system (229 A-CHAs).
2. Institute a work schedule which recognizes that CHAs maintain regular clinic hours plus respond to emergency calls 24 hours a day, 365 days per year.
3. Increase the statewide CHA training capacity to ensure that all CHAs can complete basic training within three years of hire and that CHAs have at least the first four weeks of training completed prior to assuming patient care responsibilities.
4. Provide that CHAs are adequately compensated for the responsibilities of the position.
5. Provide adequate support and supervision to CHAs.
6. Extend the Village Built Clinic Program to include all village clinics. Currently 30 clinics are not covered by the program. Also upgrade basic clinic facilities and increase financial support for operation and maintenance of the clinics.

1. FORMULA FOR DETERMINING FTE POSITIONS NEEDED

A formula was developed by the CHAP Director Subcommittee to determine the number of FTEs needed to provide services in village clinics. This formula is based on population plus the minimum number of FTEs needed to maintain regular clinic hours plus provide care for emergencies 24 hours a day. The CHAP Directors created this formula based on experience with health care provider staffing patterns and village population. TABLE 4 outlines the formula.

TABLE 4

CHA Allocation Formula

Village Population	Positions Needed Based On 1 CHA Per 200 Population	Total # of CHAs Needed to Provide Regular Clinic Hours Plus Emergency Coverage 24 Hours
25-99	.5	1
100-199	1.0	2
200-299	1.5	3
300-399	2.0	3
400-499	2.5	5
500-599	3.0	5
600-699	3.5	6
700-799	4.0	6
> 800	4.0	7

This formula was applied to every village currently served by CHAs. It was then refined to reflect individual CHAP Directors' knowledge of specific village staffing needs. This resulted in a total need for 448 FTE CHA positions. (Attachment 11)

2. CHA WORK SCHEDULE

The recommended work schedule for CHAs to provide regular clinic hours plus 24 hour a day emergency care is two weeks on duty followed by one week off. The work schedule for all village population ranges is shown in Attachment 12. This schedule would enable CHAs to provide quality health care and will dramatically reduce attrition. No other health care providers are required to maintain a schedule currently demanded by the present system.

3. TRAINING RECOMMENDATIONS

Currently a large number of CHAs have not completed Basic Training. A major effort must be undertaken to upgrade the training level of all CHAs. This includes currently employed CHAs, the new hires needed to meet the recommended 448 FTE staffing level, and the ongoing need with a 10% attrition rate.

Due to concerns about quality of care provided and CHA liability issues, this upgrading of CHA training level should be accomplished in three years. Currently the training centers have the capacity to provide 29 sessions per year. (TABLE 3) The current need for sessions is 69 over the next three years followed by a maintenance level of 24 sessions per year. (TABLE 5) The CHAP Directors recommend that the current centers be expanded to meet the need rather than starting new training centers as the expanded need is a temporary one.

TABLE 5

Number of Total Training Sessions Needed Per Year Over Three Years to Upgrade the Program to 448 FTE

	Sessions per Year
Total Number of Sessions Needed Per year to Upgrade to 448 Positions	45
Total Sessions Needed per Year to Meet a 10% Attrition Rate*	24
TOTAL	69

*If working conditions for CHAs are improved the attrition rate should fall to 10% and training needs will reflect the target attrition rate.

4. COMPENSATION

Compensation for CHAs is variable across the state due to marked differences in the cost of living and availability of local resources to supplement salary. However all CHAs should be paid at a minimum level reflective of the responsibilities of the position. The CHAP Director Subcommittee recommends a starting salary rate of no lower than $28,047 and to increase this when the CHA is certified, to no lower than $33,385. The job of the CHA is similar in responsibility to that of mid-level practitioners providing primary health care. Therefore, their compensation must reflect this responsibility.

5. SUPERVISION

The Supervisor is the primary support mechanism for employees performing a very stressful job in an isolated setting. Supervision is provided through frequent telephone consultations and 3-5 day long visits twice a year. This is not sufficient.

In order to reinforce basic teaching, provide assistance with clinic management, and support the CHA, three village visits per year would be more appropriate. To accomplish this a reasonable Supervisor to village ratio is 1:5.

CHAs are frequently called to the scenes of suicide attempts and completions, homicides, and accidents resulting in major trauma. Every patient is a family member, relative, or close neighbor. Caring for these victims leaves lasting scars on the CHA. Nightmares, mental anguish, and flashbacks trouble the lives of the CHAs. On-site face to face Supervisor visits are vital in assisting the CHA to work through job related stress and trauma.

The Supervisors should not be providing basic training. Both the supervisor and instructor role are demanding and equally important. When these two functions are provided by the same staff the supervisory role gets compromised.

Supervisor Village Visit

The Supervisor stepped off the plane in the village and walked to the clinic. She was greeted by the CHA. Immediately the CHA referred to the death which had occurred in the village four months before. The CHA had been called to a home where a 16 year old had placed a gun under his chin and pulled the trigger. The boy was alive. The CHA assessed the patient and called the physician for help. A plane was dispatched. As the CHA worked on the boy, he clung to her hand and begged her to help him. Directed by the physician, the CHA did everything she could to help the patient. But the patient stopped breathing. She tried to resuscitate him but he died in the 3 hours it took for the plane to arrive. The patient was her young brother. The CHA felt guilty that she had not saved the boy and had been unable to talk to anyone about her feelings.

6. VILLAGE BUILT CLINIC PROGRAM - EVALUATION AND UPGRADING

The Village Built Clinic Program needs to be expanded to include all village clinics. The program also requires a thorough evaluation so that a funding methodology can be developed based on operating costs (including fuel, electricity, water, sewer, supplies, and equipment), number of patient visits annually, and population.

CONCLUSION

Implementation of this plan will result in the following:

1. Significant decrease in CHA attrition rate within two years of implementation.
2. Improve the working conditions for CHAs.
3. At the end of three years 70% of the State's CHAs will be certified. This will result in the provision of higher quality of care at the village level.
4. CHAs will be better supported by their Supervisor with more frequent village visits. This will contribute to a decrease in the attrition rate which has a direct relationship to quality of health care.
5. All CHAs will have an adequate clinic in which to work. Clinic facilities will be properly maintained and operational _if_ the Village Built Clinic Program is evaluated and additional funds are allocated.

The CHAP Director Subcommittee strongly recommends that a Statewide evaluation of this plan be done in three years to avoid the program reaching such a crisis situation again. The type of in-depth evaluation just completed must occur every three years.

Funding for this program must be channeled directly to the CHAP and not through the IHS RMMNA formula. This program is unique and not well funded through current channels.

PROGRAM BUDGET NARRATIVE - STATEWIDE

PERSONNEL:

1. CHAs

   A. Number: Based on village population formula developed by CHAP Directors March 1988: 448 CHAs

   B. Salary: Average of the range $28,047 - $33,385: $30,716.

2. Supervisor

   A. Number: Based on a ratio of 1 Supervisor per 5 villages according to proposed state regulations: 36 Supervisors

   B. Salary: Average of the range $36,507 - $49,293 is $42,900. Salary-range from projections and figures submitted at the CHAP Director Subcommittee meeting, Anchorage, March 7-11, 1988.

3. Director

   A. Number: One Program Director per Health Corporation: 12

   B. Salary: Average of the range $39,998 - $55,974 is $47,981. Salary range from projections and figures submitted at CHAP Director Subcommittee meeting, Anchorage, March 7-11, 1988.

4. Support Staff: Process CHA paperwork submitted to central office. Secretarial support for Supervisors and Program Directors.

   A. Number: 1 position for each 25 CHA positions (448) is 18

   B. Salary: Average of the salary range $22,00 - $28,000: $25,000.

TRAINING

A. Cost of training: includes travel, perdiem, instructors, equipment, and supplies.

SESSION	LENGTH OF SESSION	COST PER STUDENT
Session I	4 weeks	$ 8,000
Session II	3 weeks	$ 6,000
Session III	3 weeks	$ 6,000
Preceptorship	2 weeks	$ 4,000

*Based on Anchorage-CHAP Training Center cost per student FY '88 - Robert Burgess.

B. Estimate of Current Need - Training

There are currently 415 CHAs employed (49 vacant positions). The CHAP Director Subcommittee recommends a total of 448 CHAs. Based on current training status of all employed CHAs and number of vacancies based on 448, CHA total training needs are:

1. 33 positions vacant. CHAs need: Session I, II, III, and Preceptorship.

2. 124 CHAs have had less than Session I training. CHAs need: Sessions I, II, III, and Preceptorship.

3. 64 CHAs have had Session I. CHAs need: Sessions II, III and Preceptorship.

4. 48 CHAs have had Session II. Need: Session III and Preceptorship.

5. 179 CHAs are certified and need ongoing training.

C. An attrition rate of 10% can be achieved because the population is not transient. To achieve a 10% attrition rate we must decrease stress by improving work schedule, increase incentive (salary), increase support through closer supervision, and increase confidence and self-esteem through provision of full training for all CHAs. Our current attrition rate is 33% statewide. 10% of 448 FTE is 45 FTE. This number is used in calculating the training budget: Ongoing Need.

D. A plan for meeting the ongoing educational needs for CHAs who are certified must be factored into future training budgets.

TRAVEL BUDGET

1. Supervisor travel budget is based on the following:

    A. Village travel

        1. Villages needing visits: 171
        2. Average round trip transportation costs: $175
        3. Perdiem: Village perdiem rate of $45 per night
        4. Number of trips per village per year: 3 trips
        5. Number of nights in village: 3

    B. Supervisor travel for Continuing Medical Education

        1. Total trips: One Anchorage trip for each supervisor: 36 trips
        2. Average round trip transportation cost: $350
        3. Perdiem rate (Federal standard): $125 per night
        4. Number of nights in Anchorage: 2

2. Program Director Travel

    A. Village Travel

        1. Village trips per year: 10
        2. Average round trip transportation costs: $175
        3. Perdiem rate for village travel: $45
        4. Average length of trip: 2 nights

    B. Anchorage travel

        1. Anchorage trips per year: 4
        2. Average round trip transportation costs: $350
        3. Perdiem rate for Anchorage travel: $125/night
        4. Average length of trip: 3 nights
        5. Number of Program Directors: 12

BUDGET BASED ON 100% OF NEED

PERSONNEL:

448 FTE CHAs @ average salary $30,716	$13,760,768
12 FTE Program Director @ average salary $47,981	575,772
36 FTE Supervisor @ average salary $42,900	1,544,400
18 FTE Support @ average salary $25,000	450,000
Total Salary	$16,330,940
Fringe @ 25%	4,082,735
Total	$20,413,675

TRAINING - Need if recommended FTE 448 is accepted:

157 need Session I, II, III, Prec. @ $24,000	$ 3,768,000
64 need Session II, III,-Prec. @ 16,000	1,024,000
48 need Session III, Prec. @ $10,000	480,000
To upgrade training need	$ 5,272,000

Ongoing Training Need (10% attrition @ 448)

45 needing Session I, II, III, Prec. @ $24,000	$ 1,080,000
Total training need	$ 6,352,000

TRAVEL BUDGET:

Supervisor - village 513 trips @ $310 per trip	$ 159,030
Supervisor - Anchorage 36 trips @ $600 per trip	21,600
Program Director - village 120 trips @ $265 per trip	31,800
Program Director - Anchorage - 48 trips @ 725	34,800
Total travel	$ 247,230

The Total Annual Budget needed to maintain a program at a minimum level is:

1. All salary	$20,413,675
2. Training @ 10% attrition rate	1,080,000
3. Travel	247,230
Direct Cost	$21,740,905
Indirect Cost 22%	4,782,999
Total cost	$26,523,904

To upgrade the training level for all CHAs $5,272,000 are needed.

This needs to be phased in over a three year period @ a cost of $1,757,333 per year.

The total cost of the CHAP Program Training Upgrade years is:

Direct Cost	$23,498,238
Indirect Cost 22%	5,169,612
Total cost	$28,667,850

Budget for the CHAP FY '89 - FY '92 is:

Fiscal Year	Total Budget	
1989	$28,667,850	
1990	$28,667,850	
1991	$28,667,850	
1992	$26,523,904	(maintenance budget)

It is important to note that the FY '88 Statewide CHAP Funding is:

IHS	$ 4,984,398
Anchorage CHAP	546,906
State HB 215	2,047,316
State to Kuskokwim College	200,000
	$ 7,778,620

The Projected need as determined by the CHAP Directors for maintaining the program is: $26,523,904

Thus CHAP is operating at 26% of need. This contributes directly to the problems experienced by the CHAP and described in this document.

Realizing that budgetary constraints have necessitated cuts in Federal and State funded programs and that full funding of the CHAP at this time may not be possible, the CHAP Directors have prepared a budget with a 25% reduction in salaries. We strongly recommend these funds be made available immediately. These funds will begin to address the serious problems until full funding is possible.

REVISED BUDGET
25 % DECREASE IN SALARY
FOR ALL POSITIONS

PERSONNEL:

448 FTE CHAs @ average salary $23,037	$10,320,576
12 FTE Program Director @ average salary $35,986	431,832
36 FTE Supervisors @ average salary $32,175	1,158,300
18 FTE Support @ average.salary $18,750	337,500
Total Salary	$12,248,208
Fringe @ 25%	3,062,052
Total	$15,310,260

TRAINING - Present need if recommended FTE 448 is accepted:

157 need Session I, II, III, Prec. @ $24,000	$ 3,768,000
64 need Session II, III, Prec. @ 16,000	1,024,000
48 need Session III, Prec. @ $10,000	480,000
To upgrade training Need	$ 5,272,000

Ongoing Training Need (10% attrition @ 448)

45 CHAs need Session I, II, III, Prec. @ $24,000	$ 1,080,000
Total training need	$ 6,352,000

TRAVEL: Supervisor Travel Budget and
Program Director Travel Budget

Total	$ 247,230

The total annual budget needed to maintain the program following the modified budget is:

1. All salary	**$15,310,260**
2. Training @ 10% attrition rate	**1,080,000**
3. Travel	**247,230**
Direct Cost	**$16,637,490**
Indirect Cost 22%	**3,660,248**
Total cost	**$20,297,738**

To update the training level for all CHAs $5,272,000 are needed.

This needs to be phased in over a three year period @ a cost of $1,757,333 per year over the next years.

The total costs of the CHAP during Program Training Update years is:

Direct Cost	$18,394,823
Indirect Cost 22%	4,046,861
Total cost	**$22,441,684**

Modified CHAP Budget for FY `89 - FY `92 is:

Fiscal Year	Total Budget	
1989	$22,441,684	
1990	$22,441,684	
1991	$22,441,684	
1992	$20,297,738	(maintenance budget)

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ATTACHMENT 1

CHA Basic Training Curriculum Overview
(3 Sessions Totaling 10 weeks)*

- Introduction to the Community Health Aide program
- Concepts of Health and Disease
- Anatomy and Function of the Body Systems
- Patient Encounter Evaluation Skills
  - Complete and Problem-Specific History Taking
  - Physical Exam and Vital Sign Skills
  - Assessment and Plan for the Problem
  - Recording of Findings and Reporting to Physician
  - Use of Reference Texts The Community Health Aide/Practitioner Manual and the Village Drug Reference (VDR)
- Procedures and Laboratory Tests
- Health Problems by Body Systems
  - Head, Eyes, Ears, Nose, Mouth, Throat (HEENMT)
  - Respiratory System
  - Cardiovascular System, Blood and Lymphatics
  - Gastrointestional System
  - Urinary System
  - Male and Female Reproductive Systems
  - Breast
  - Musculoskeletal System
  - Nervous System
  - Endocrine (Regulatory) System
  - Skin
- Medicines
  - Basic Concepts
  - Administration of Medicines
  - Maintaining a Clinic Medicine Cabinet (Pharmacy)
- Obstetrics
  - Prenatal Care
  - Labor and Delivery
  - Emergency Childbirth
  - Post-Partum Care
- Pediatrics
  - Fetal Alcohol Syndrome
  - Newborn Exam and Complications
  - Well Child Exam and Clinic
  - Growth and Development Assessment
  - Immunizations
  - Health Surveillance - School Screening
  - Pediatric History and Exam
  - Serious Infections in Children
  - Child Abuse and Neglect
- Gynecology
  - Family Planning
  - Evaluation of The Rape Victim

Mental Health
  Mental Illness (depression, suicide, anxiety and others)
  Mental Health Promotion
  Alcohol and Drug Abuse
  Family Violence
  Grief and Loss, Death and Dying
  Stress Management for the CHAs
Preventive Health and Epidemiology
  Communicable, and Water and Food Borne Diseases in Alaska
  Water and Food Borne Disease in Alaska
  Tuberculosis
  Sexually Transmitted Diseases
  Accident Prevention and Home Safety
  Office of Environmental Health (water and sewage, rabies)
Health Surveillance and Promotion
Chronic Illness
Nutrition
Health Education Techniques
Clinic Management and Administration
Basic Education Skills and Independent Study
Emergency Trauma Training (State of Alaska Certified)
  1 week course in summary includes:
    Body Surveys - Airway and Breathing
    Cardiopulmonary Resuscitation
    Poisoning
    Assessment and Treatment of Trauma
    Bandaging, Splinting and Transport

* This overview does not indicate sequence.

The Certification Process for Community Health Aides

The requirements for statewide Certification are:

1. Successful completion of Sessions I, II, and III of Basic Training

2. Successful completion of a two week Preceptorship -supervised clinical experience.

3. Completion of the CHA "Skills List".

4. Passing grade (80%) on the written and practical statewide "Certification Examination".

5. Completion of documented field experience at the CHA's village clinic to satisfy 24 University of Alaska credit hours of Basic Training (approximately 600 hours of field work as a CHA).

6. Satisfactory evaluation of field performance following Basic Training by physician, public health nurse and CHA Supervisor.

ATTACHMENT 3

TABLE 1
SUMMARY OF RMHNA PROJECTED NEED FOR CHP PROGRAMS
ALL ALASKA SERVICE UNITS
March 8, 1988

	(1) Direct FTE's	(2) Admin FTE's	(3) Total FTE's	(4) Direct FTE Need ($)	(5) Admin FTE Need ($)	(6) Total FTE Need ($)	(7) Support Allocation	(8) Total Need
APIA	14.2	5.7	19.9	$ 397,998	$ 219,669	$ 617,667	$ 160,593	$ 778,260
CRNA	7.0	2.8	9.8	196,196	107,908	304,104	79,067	383,171
KANA	10.6	4.3	14.9	297,097	165,716	462,812	120,331	583,144
NINILCHIK	1.6	0.6	2.2	44,845	23,123	67,968	17,672	85,640
NPR	6.7	2.7	9.4	187,788	104,054	291,842	75,879	367,720
TYONEK	2.0	0.8	2.8	56,056	30,831	86,887	22,591	109,477
ANCHORAGE SERVICE UNIT (total)	42.1	16.9	59.0	$ 1,179,979	$ 651,301	$ 1,831,279	$ 476,133	$ 2,307,412
ANNETTE ISLAND SERVICE UNIT	0.0	0.0	0.0	0	0	0	0	0
BARROW SERVICE UNIT	18.8	7.5	26.3	526,926	289,039	815,965	212,151	1,028,116
BRISTOL BAY SERVICE UNIT	45.9	13.8	59.7	1,286,485	531,831	1,818,317	472,762	2,291,079
INTERIOR SERVICE UNIT	49.3	14.8	64.1	1,381,780	570,370	1,952,150	507,559	2,459,709
KOTZEBUE SERVICE UNIT	45.3	13.6	58.9	1,269,668	524,124	1,793,792	466,386	2,260,178
MT. EDGECUMBE SERVICE UNIT	32.7	9.8	42.5	916,516	377,677	1,294,193	336,490	1,630,683
KETCHIKAN SERVICE UNIT	0.0	0.0	0.0	0	0	0	0	0
NORTON SOUND SERVICE UNIT	46.4	13.9	60.3	1,300,499	535,685	1,836,184	477,408	2,313,592
Y-K SERVICE UNIT	146.8	44.0	190.8	4,114,510	1,695,694	5,810,204	1,510,653	7,320,858
TOTALS FOR ALASKA AREA	427.3	134.3	561.6	$11,976,364	$5,175,721	$17,152,085	$4,459,542	$21,611,627

Prepared by Charles Mobraten
Ernst and Whinney

NOTES TO TABLE 1

(1) Direct FTE's were obtained from the CHPS RRM projection sheets dated February 1988 that will be used as a basis for the FY88 SURAM allocation. Full-time equivalents are based on a 2,080-hour work year. Direct FTE's represent a need for village-based providers which are providing ambulatory care services. According to the October 1986 version of the RRMNA Staffing and Resource Requirements Manual, the need for direct CHP FTE's is based on the following staffing formula:

- Each service unit is given a base staff of .3 FTE's
- One health aid is added for each additional 263 users, counted as user population
- One health aid is added for every 917 direct ambulatory encounters
- One health aid is added for every 4,509 preventive encounters

There have been changes to the RRMNA methodology that make the above formula no longer correct. For FY88 the total number of direct FTE's projected for the Alaska Area as a whole is 427.3.

(2) Support FTE's project the need for administrative support personnel. The total number of administrative support personnel that were projected is 134.3 FTE's. According to the October 1986 version of the Staffing and Resource Requirements Manual, CHP administrative staff are projected at a rate of one administrative staff per every 3 1/3 direct FTE's. Again, changes to the formulas in the model make this formula no longer valid.

(3) Summarizes the total FTE need for the Alaska area as a whole by adding columns (1) and (2). The overall total FTE requirements generated for RRM for the Alaska area for the CHP module is 561.6 FTE's.

(4) Projects the total direct FTE need requirement in dollars. Column (4) assumes that RRMNA uses an average salary cost of $35,035 which results in an average position cost for the CHP personnel category of 28,028 using a multiplier of .8.

(5) Expresses the FTE need for administrative staff personnel. It assumes that an area-wide average salary of $35,035 is used which would result in an average CHP support salary of $38,539 using the existing salary multiplier of 1.1.

(6) Summarizes the total FTE requirement in dollars by adding columns (4) and (5).

(2 of 3)

NOTES TO TABLE 1--Continued

(7) Contains an estimate of support costs associated with the ancillary general services and administrative need projections. Support allocation assumes a support cost allocation rate of 26% of direct administrative FTE need. This allocation was based on a step-down that was performed for the Alaska Native Health Board resource reallocation study and distribution model development project that was performed in January 1987. Table 2 and Table 3 contain additional information on how the 26% rate was obtained.

(8) Expresses an estimate of total RRMNA need for the CHP program including the step-down of certain support costs. For the Alaska area as whole, that need is $21,611,627. The total estimated RRMNA need for the Alaska area whole for FY88 is approximately $141 million. The need for the CHP program, therefore, is approximately 15% of the total RRMNA need for the Alaska area as a whole.

ATTACHMENT 4

COMMUNITY HEALTH AIDE PROGRAM STATEWIDE SALARY SURVEY PRIMARY COMMUNITY HEALTH AIDES

CORPORATION	# OF PRIMARY CHAs	ATTRITION RATE-PRIMARY	<> CT OT EARNED HOURLY RATE	WORK DAY	ANNUAL SALARIES HOURLY RATE x HRS./DAY	FUNDING SOURCE
Aleutian/Pribilof Islands Association, Inc.	7	14%	CT $8.21 - $11.10 hr.	15-30 hour week	$7,380-$17,316	IHS
Bristol Bay Area Health Corporation	39	37%	$11.69 - $13.79 hr.	3-6 hour week 15-30hr/week	$9,117-$21,505	IHS plus Hlt. Cor.
EEDA Regional Consortium of Tribes	1		$7.81 hr.	8 hrs/day 40 hrs/wk.	$15,000	
Copper River	6	33%	$7.00 - $9.48 hr.	20 hours/week	$7,280-$9,850	IHS
Kodiak Area Native Association	6	0	$8.20 - $12.70 hr.	6 hr/day 30 hr/week	$12,816-$19,800	IHS
Maniilaq Association	* 18	22%	$10.03 - $12.18 hr.	8 hr/day 40 hr/week	$20,862-25,334	IHS + clinic $
North Pacific Rim	5	20%	$6.82- 12.34 hr. CT	30 hr/week	$13,304-$24,068	IHS
North Slope Borough Health and Social Services Agency	** 16	44%	CT/OT $15.72 - $22.30 hr.	30 hr/week	$24,523-$34,788	IHS 23% Boro. 77%
Norton Sound Health Corporation	21	38%	$11.19 - $16.13 hr.	8 hr/day No OT or CT	$22,818-$32,905	IHS + VHS
Southeast Alaska Regional Health Corporation	13	31%	OT;$1.50/hr on-call $6.93 - $10.45 hr.	2-5 hr/day	$8,132-$14,570	IHS
Tanana Chiefs Conference, Inc.	30	10%	CT $7.60 - 16.30 hr.	20-30 hr/week benefits - primary	$7,692-$24,480	PHS-CHA (IHS)
Yukon Kuskokwim Health Corporation	*** 74	30%	CT $7.84 - $10.51	30 hr/week	$12,230 - $16,396	IHS

<> CT=Comp time OT=Overtime

Information on CHA salaries was obtained in a statewide survey of CHAP Directors.
* IHS allocation - 15 positions
** IHS allocation - 7 positions
***IHS allocation - 64 positions - 5 positions have been split.

1/88 YKHC/CHAP

ATTACHMENT 5

COMMUNITY HEALTH AIDE PROGRAM STATEWIDE SALARY SURVEY ALTERNATE CHA INFORMATION

CORPORATION	# OF ALT. CHAs	ATTRITION RATE-ALT.	WORK DAY	HOURLY PAY RATE	PAID ONLY FOR HOURS WORKED	FUNDING SOURCE
Aleutian/Pribilof Islands Association, Inc.	6	60%	Covers for primary	$8.21	X	IHS
Bristol Bay Area Health Corporation	26	44%	Covers for primary	$11.69	X	CHR, Village Council
EEDA Regional Consortium of Tribes						
Copper River	5	16%	Covers for primary	$8.24	X	IHS
Kodiak Area Native Association	6	0	Covers for primary + 24 hrs. month	$7.50-$8.50	X	IHS
Maniilaq Association	14	14%	Covers for primary + 64 hrs. month	$10.00	X	Revenue sharing vill.
North Pacific Rim	2	50%	Covers for primary + 80 hrs. month	$6.82-$8.31	X	IHS
North Slope Borough Health Corporation	0	0				
Norton Sound Health Corporation	44	25%	32 hrs. month	$8.75	Paid standard amt. to "be available"	
Southeast Alaska Regional Health Corporation	5	20%	Covers for primary	$6.93-$10.45	$1.50 hr. stand by fee + hrs. worked	IHS
Tanana Chiefs Conference, Inc.	70	32%	Covers for primary + 20 hrs. month	$8.50-$10.00	X	IHS
Yukon Kuskokwim Health Corporation	52	63%	Covers for primary + 18 hrs. month	$7.84-$10.51	X	IHS + Village Council

Information on CHA salaries was obtained in a statewide survey of CHAP Directors.

1/88 YKHC/CHAP

ATTACHMENT 6

COMMUNITY HEALTH AIDE CURRENT STATEWIDE TRAINING STATUS
MARCH 1988

	TRAINING COMPLETED				
CORPORATION	NEWLY HIRED	SESSION I	SESSION II	SESSION III/CHP	TOTAL # CHAs
Aleutian/Pribilof Islands Association, Inc.	2	4	1	7	14
Bristol Bay Area Health Corporation	26	14	4	19	63
EEDA Regional Consortium of Tribes	--	--	--	--	1
Copper River Health Department	2	1	--	6	9
Kodiak Area Native Association	1	5	--	6	12
Maniilaq Association	2	7	4	17	30
North Pacific Rim	1	1	1	4	7
North Slope Borough Health and Social Services	--	4	--	13	17
Norton Sound Health Corporation	1	10	12	24	47
Southeast Alaska Regional Health Corporation	1	--	2	13	16
Tanana Chiefs Conference, Inc.	40	--	3	26	69
Yukon Kuskokwim Health Corporation	48	18	20	44	130
TOTAL	124 (30%)	64 (15%	48 (12%)	179 (43%)	415*

* 49 Positions vacant

ATTACHMENT 7

* MEAN ANNUAL SALARY FOR CHAs BY CORPORATION JANUARY, 1988

HEALTH CORPORATION	MEAN ANNUAL SALARY
Aleutian/Pribilof Islands Association	$12,348.00
Bristol Bay Area Health Corporation	$15,311.00
EEDA Regional Consortium of Tribes	$15,000.00
Copper River	$ 8,565.00
Kodiak Area Native Association	$16,308.00
Maniilaq Association	$23,098.00
North Pacific Rim	$18,686.00
North Slope Borough Health and Social Services	$29,655.00
Norton Sound Health Corporation	$27,862.00
Southeast Alaska Regional Health Corporation	$11,351.00
Tanana Chiefs Conference, Inc.	$16,086.00
Yukon Kuskokwim Health Corporation	$14,313.00

Statewide weighted annual average salary for Primary CHAs is $17,397.00.

* $\boxed{\dfrac{\text{Minimum Salary} + \text{Maximum Salary}}{2}}$ = Mean Annual CHA Salary

ATTACHMENT 8

SUMMARY STATEWIDE TRAINING NEEDS TO UPGRADE TRAINING TO MINIMAL STANDARDS +
MARCH 1988

	SESSION I	SESSION II	SESSION III	TOTAL
A. Current Capacity Students	78	48	48	174
B. Current Students Needing Sessions*	173	64	48	285
C. (B-A) Unmet Need Students	95	16	0	111
D. Unmet need-number of Sessions	16	3		19
E. Unmet Need This Year	16	3	3	22

TOTAL SESSIONS NEEDED **22**

+ Minimum standards: All Primary CHAs = Certified

All Alternate CHAs = Session I

* - Includes 49 Currently vacant positions

Column D represents number of students divided by 6 (Anchorage standard class size)

Column E represents need based on each student in need attending two sessions per calendar year.

This table represents current need based on current CHA training status statewide, March, 1988.

ATTACHMENT 9

Comparison of Average Monthly Lease Funds and Number of Leases by Corporation

Health Corporation	Avg. Monthly Lease	Total Number of Leases
Bristol Bay Area Health Corporation	$ 692.95	20
Southeast Alaska Regional Corporation	$ 895.00	4
Norton Sound Health Corporation	$ 1265.00	12
Maniliaq Association	$ 1094.88	9
Anchorage*	$ 796.42	26
Tanana Chiefs Conference, Inc.	$ 1109.04	22
Yukon-Kuskokwim Health Corporation	$ 1116.27	44
North Slope Borough Association	$ 1062.50	4

* Includes Aleutian/Pribilof Islands, Inc., EEDA Regional Consortium of Tribes, and Copper River Health Department.

ATTACHMENT 10

CHAP DIRECTOR SUBCOMMITTEE
MARCH 1988

CHAP DIRECTOR	HEALTH CORPORATION
Debra Caldera Chairman-Subcommittee	Yukon Kuksokwim Health Corporation
Rosemary Simone	Norton Sound Health Corporation
Barbara Knutsen	Bristol Bay Area Health Corporation
Grace Lincoln	Maniilaq Association
Marilyn Eaton	Copper River Health Department

ATTACHMENT 11

APPLICATION OF CHA ALLOCATION FORMULA TO ALL VILLAGES CURRENTLY SERVED BY COMMUNITY HEALTH AIDES

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Aleutian Pribiloff Island Association		
Akutan	80	1
Atka	93	1
False Pass	77	1
**King Cove	547	3
Nelson Lagoon	44	1
Nikolski	46	1
**Sand Point	671	3
**St. George	191	2
Bristol Bay Area Health Corporation		
Aleknagek	180	2
Chignik Bay	129	2
Chignik Lagoon	40	1
Chignik Lake	164	2
Clark's Point	79	1
Egegek	112	2
Ekwok	107	2
Goodnews Bay	241	3
Iguigig	38	1
Illiamna	126	2
Ivanof Bay	49	1
King Salmon	648	6
Kokhanok	68	1
Koliganek	161	2
Levelock	109	2
Manokotak	309	3
Naknek	382	2
Newhalen	165	2
New Stuyahok	339	3
Nondalton	234	3
Pedra Bay	70	1
Perryville	137	2
Pilot Point	79	1
Platinum	65	1
Port Heiden	108	2
Portage Creek	35	1
South Naknek	195	2
Togiak	556	5
Twin Hills	44	1

VILLAGE AND CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Copper River Native Association		
Chitina	40	1
Gulkana	98	1
Mentasta	66	1
Chistochina	64	1
Cantwell	91	1
**Copper Center	229	2
EEDA		
Ninilchik	451	5
Kodiak Area Native Association		
Akhiok	109	2
Karluk	114	2
Larsen Bay	217	3
Old Harbor	344	3
Port Lions	302	3
Ouzinkie	235	3
Maniilaq Association		
Ambler	255	3
Buckland	248	3
Deering	153	2
Kiana	392	3
Kivalina	285	3
Kobuk	65	1
Noatek	329	3
Noorvik	529	5
Point Hope	597	5
Selawik	589	5
Shungnak	226	3
North Slope Borough Health Department		
Anaktuvuk Pass	238	3
Atgasuk	190	2
Kaktovik	209	3
Nuiqsut	337	3
Point Lay	104	2
Wainwright	508	5

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Norton Sound Health Corporation		
Brevig Mission	164	2
Elim	237	3
Gambell	494	5
Golovin	131	2
Koyuk	202	2
Little Diomede	158	2
St. Michaels	287	3
Savoonga	487	5
Shaktoolik	163	2
Shishmaref	410	5
Stebbins	372	3
Teller	247	3
Unalakeet	759	6
Wales	143	2
White Mountain	164	2
North Pacific Rim		
Chenaga Bay	99	1
English Bay	192	2
Port Graham	188	2
Tatitilek	112	2
Southeast Alaska Regional Health Corporation		
Angoon	588	5
**Craig	924	2
**Hoonah	917	4
Hydaberg	463	5
Kake	634	6
Klawock	613	6
Tenakee Springs	142	2

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Tanana Chiefs Conference Inc.		
Allakaket	188	2
Artic Village	132	2
Beaver	80	1
Chalkyitsik	94	1
Circle	94	1
Eagle	79	1
Evansville	86	1
**Galena	947	1
Hughes	92	1
Huslia	272	3
Kaltag	278	3
Dot Lake	77	1
Koyukuk	143	2
Manley	88	1
**McGrath	509	1
Minto	209	3
Nenana	544	2
Nikolai	122	2
Northway	146	2
Nulato	368	3
Rampart	59	1
Ruby	241	3
Steven's Village	97	1
Tokotna	54	1
Tanacross	149	2
Telida	38	1
Tetlin	89	1
Venetie	237	3

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Yukon Kuskokwim Health Corporation		
Akiachak	459	5
Akiak	289	3
Alakanuk	556	5
Aniak	481	5
Anvik	83	1
Atmuautluak	234	3
Chefornak	277	3
Chevak	532	5
Crooked Creek	126	2
Chuathbaluk	124	2
Eek	257	3
Emmonak	613	6
Grayling	225	3
Holy Cross	238	3
Hooper Bay	686	6
Kalskag	154	2
**Kasigluk	405	4
Kipnuk	408	5
Kongiganek	291	3
Kotlik	409	5
Kwethluk	546	5
Kwigillingok	244	3
Lime Village	48	1
Lower Kalskag	281	3
Marshall	281	3
Mekoryuk	152	2
Mountain Village	682	6
Napakiak	299	3
Napaskiak	303	3
**Newtok	207	2
Nightmute	153	2
Nunapitchuk	356	3
Oscarville	63	1
Pilot Station	425	5
Pitka's Point	106	2
Quinhagak	453	5
Red Devil	42	1
Russian Mission	231	3
St. Mary's	458	5
Scammon Bay	304	3
Shageluk	144	2
Sleetmute	130	2
Sheldon's Point	124	2
Stony River	92	1
Toksook Bay	362	3
Tuluksak	321	3
Tuntutuliak	293	3
Tununak	318	3

VILLAGE AND HEALTH CORPORATION	POPULATION*	NUMBER OF FTEs REQUIRED
Independent Village Contracts		
Iyonek	269	3
Yakutat	456	5
Metlakatla	1544	1
	Total Number of FTEs Needed	448

*Alaska Population Overview, 1985 Estimates, Alaska Department of Labor, April 1987.

**Formula application to this village modified by CHAP Director's knowledge of conditions in a specific village.

ATTACHMENT 12

WORK SCHEDULE BASED ON CHA ALLOCATION FORMULA
DEVELOPED MARCH 1988

Village Population 25-100 1 FTE made up of two 0.5 FTE (5 hr work day) Workers A & B

Month	1	2	3
Wk 1	AB	A	B
WK 2	A	B	AB
WK 3	B	AB	A
WK 4	AB	A	B

This gives a schedule of 2 wks on, 1 off for both A and B

When both work, they can catchup on clinic administration duties, ordering supplies and drugs, preventive care, and monitoring the care of home bound patients.

Village Population 100-200 2 FTE , 6 hr workday, Workers A and B

Month	1	2	3
Wk 1	AB	A	B
WK 2	A	B	AB
WK 3	B	AB	A
WK 4	AB	A	B

This schedule gives 2 weeks on and 1 off.
This schedule includes the same benefits listed above.

Village Population 200-400 3 FTE , Workers A,B and C

Month	1	2	3
Wk 1	AB	BC	CA
WK 2	BC	CA	AB
WK 3	CA	AB	BC
WK 4	AB	BC	CA

This gives a schedule of 2 wks on and 1 off.
Although this does not give "double staffing", staffing is adequate to perform acute, chronic and administrative duties.

Village Population 400-600 5 FTE , Workers A,B,C,D and E

Month	1	2	3
Wk 1	ABC	BCD	CDEA
WK 2	BCD	CDEA	ABE
WK 3	DEA	ABE	BCDE
WK 4	EAB	BCD	ACD

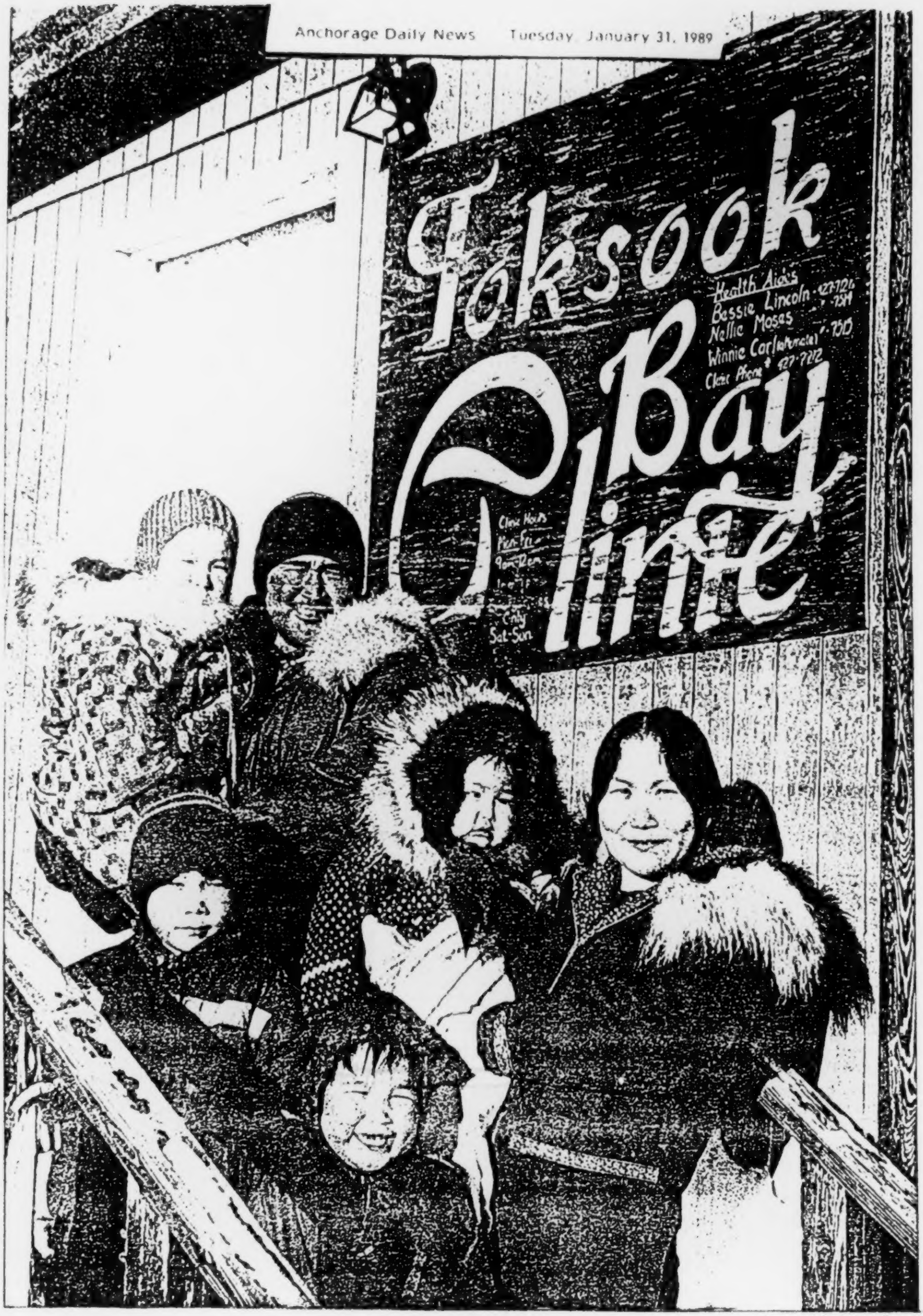
This gives a schedule of 2 wks on, 1 off. See notes for 1 and 2 FTE - same advantages but some irregularity of extra staffing.

Village Population 600-900 6 FTE , Workers A,B,C,D,E and F

Month	1	2	3
Wk 1	ABCD	CDEF	EFAB
WK 2	CDEF	EFAB	ABCD
WK 3	EFAB	ABCD	CDEF
WK 4	ABCD	CDEF	EFAB

This schedule gives 2 wks on and 1 off with adequate coverage for acute care, administrative tasks, and preventive care.

Anchorage Daily News Tuesday, January 31, 1989


Toksook
Bay
Clinic
Health Aide's
Bessie Lincoln · 427-7214
Nellie Moses · 7511
Winnie Carl (alternate) · 7513
Clinic Phone # 427-7212
Clinic Hours
Mon-Fri
9am-12pm
Only
Sat-Sun

Anchorage Daily News/Erik [illegible]

Simeon and Priscilla Moses hold Abraham, 3, and Teresa, 1; in front are Teddy, 7, and Steven, 5.

A LESSON IN SURVIVAL

Caught in a blizzard, man lives by father's words

By DUSTY RHODES
Daily News reporter

On that cold day in early January, Simeon Moses' chief concern was getting medicine for two sick babies. As primary health aide for Toksook Bay, Moses had examined two infants with high fevers, chills and severe coughs; he feared they had pneumonia. Since the clinic was out of the prescribed antibiotic, he decided to ride by snowmachine to the Tununak clinic five miles away for a fresh supply.

He set out, wearing only a short-sleeved shirt, snow pants and a Thinsulate jacket with a hood. "I was just going to zoom over there and come right back," he says.

But what should have been a routine trek turned into a 17-hour ordeal for Moses. Caught in the sudden storm that mauled western Alaska with 60-mile-an-hour winds and a chill factor that dipped to 50 degrees below zero, he survived by following the Yupik teachings of his late father, Teddy Moses.

"He always used to tell me what was right and what's wrong and what to do, every day until he passed away," Moses says.

Short, stocky, shy and soft-spoken, Moses appears younger than his 28 years. Sitting in the Toksook Bay clinic, he tells his story in a tone that still has a tinge of awe. His hands move, constantly and self-consciously, to rub the right side of his face, tender and pink from recent frostbite.

A large hill is all that separates the villages of Tununak and Toksook Bay. There are trails around and over the hill, connecting the communities. By either route, the journey takes about 15 minutes on snowmachine, and residents of the two villages visit each other regularly.

On Jan. 10, light snow was falling when Moses left Toksook Bay around 3:15. The mountains were still visible, and Moses had not heard any warnings about the approaching storm.

His wife, Priscilla, expected Moses to be home around 3:30. When he didn't show up, she assumed her husband was working late at the clinic. But around 4:45, his secretary stopped by to tell Priscilla that Moses had set out for Tununak, and that he had not arrived there.

By that time, the storm was raging in Toksook Bay, and Priscilla knew her husband might be in danger. "I got scared," she says. "His coat was thin. It wasn't warm enough. And the storm was here. I couldn't sit still. I kept going back and forth at the house."

Moses was more than halfway to Tununak when he collided with the storm.

"The blizzard just hit like the snap of a finger. Boom! Right there it was. It happens here like that," he says.

In the whiteout, he maneuvered by gauging the wind. It had been hitting his face from one side, so he slowed down and tried to keep his course perpendicular to the wind. But when he could no longer see the skis on the front of his snowmachine, Moses stopped.

"What my old man used to tell me is, if I didn't know where I was, he told me to stop my snowmachine and just stay put," Moses says. His father had also told him to park facing the wind, so that the snowmachine wouldn't blow over, and, above all, to remain calm.

"My dad, he told me not to panic or get excited," Moses says. "If I had gotten excited, I might have just walked away from my snowmachine and just wandered around in the blizzard. I stayed put and tried to calm myself down."

Following his father's advice, Moses tried to dig a burrow in the snow. Curled into a tight ball, balancing on his feet, he pulled his snowmachine's vinyl tarp cover over himself. Then he hunkered down and held that position for what seemed like an eternity.

During the next 17 hours, he occasionally shifted onto the machine or from one side of it to the other. He pumped his arms to keep blood circulating and wiggled his fingers and toes back to life whenever his digits started to go numb. Though the fingers of his gloves were frozen hard, he could scoop a little snow. His father had told him to not eat snow, but to let lumps of old snow melt in his mouth before swallowing. When he felt himself getting weak and sleepy, he rested his forehead on a purposely precarious perch — his two fists stacked on his knees.

"I knew that if I went to sleep, I wouldn't wake up," Moses says. "Or, if I woke

> *❛If I had gotten excited, I might have just walked away from my snowmachine and just wandered around in the blizzard. I stayed put and tried to calm myself down.❜*
> — Simeon Mose

MOSES: Father's teachings put to use

Continued from Page H-1

up, I would be really stiff or really cold. I just didn't want to go to sleep, that's all."

He had nothing to do but think. Mostly, he thought about his family — his mother, Teresa, his wife, his four children and the child Priscilla carries, due to be born in June. He also worried about the two infants with pneumonia; now they wouldn't get medicine.

"They came to my mind three times," Moses says. "I was worried about them too. I hate to be to blame. I don't like to see infants with their parents worried. Kind of makes me feel bad."

And, as much as he fought it, the thought of death also came to his mind.

"I thought about it. I did. I really did," Moses says, in a tone even quieter than his normal soft voice.

Back in Toksook Bay, Priscilla was thinking the same thing. Her uncle had taken her and the children to her mother's house. The children kept asking for their father. Finally, Priscilla told the oldest child, 7-year-old Teddy, named for Moses' father: "He's out there, somewhere, lost."

"And Teddy told me, 'He'll come.' And I had hopes at that time that he would make it," Priscilla says. As she put the children to bed, she told them to pray for their father.

But Priscilla couldn't sleep. "I was scared. I thought he was going to leave us. No more dad for us," she says. "I waited every minute, every hour. No sign of him. By eight in the morning, I gave up. I had no hopes for him. I thought he was dead."

Just about that time, Moses felt the wind die slightly. Peeking out from under the snowmachine tarp, he saw stars.

"Soon as I saw the Big Dipper, I knew where I was at," Moses says. In the distance, he saw a bluish glow — the lights of Toksook Bay. In the other direction, he saw the lights of Tununak and realized they were somewhat closer.

He tried to start his snowmachine, but didn't have the strength to pull the cord. He was too weak to even pull the tarp out of the snow. So he began walking, stumbling, toward Tununak.

He knocked on the door of the first house he came to, but no one answered. The same thing happened at the next house. At the third house, Moses says, "I didn't knock long. The doorknob moved." He let himself in.

He found himself in the home of Hubert and Mary Hooper. They called a village elder, who helped them warm Moses slowly. They packed snow on his swollen, frostbitten face, and fed him warm water and warm milk. Moses felt himself thaw. "It came from in here, it seemed like," he says, patting his stomach, "and slowly went out."

In Toksook Bay, about 8:30, Priscilla heard on the CB that someone had arrived safely in Tununak. She couldn't hear a name, but she had a feeling that it was her husband. Then, a minute later, the telephone rang and she knew for sure.

Mary Hooper had called Priscilla. An hour later, Moses called. "He told me that he's OK but he has a frostbite on his face. I told him it's OK, as long as you're alive," Priscilla says.

Moses had frostbite on his hands and stomach, too. His face was so swollen his eye was shut. He was flown from Tununak to the hospital at Bethel, where he was examined and sent home.

The long, freezing night on the tundra must have changed Simeon Moses in some way. It made him a local hero in Toksook Bay, for instance. But mostly, the ordeal seems to have only reinforced qualities Simeon Moses already possessed.

He has an innate sense of duty, a natural dedication to his job as a health aide. Though the two sick babies survived without the medicine Moses risked his life to get, he would take the same risk again for his patients.

"I would go," Moses says, simply. "I could do it again next time, if there's another next time. But I would be prepared, you know. Next time I'm going to put that (parka) on and keep it on, next time take a canvas, a shovel, a compass, you know, and maybe some music." He dabs his fingers into his ears, indicating earphones. "Music would be better than the wind."

The other trait the ordeal reinforced was Moses' belief in the traditions passed down to him by his father. Never before had he put the teachings to test, but now he knows they saved his life.

"My dad wouldn't like it one bit," Moses says, "because I wasn't dressed for that weather. But maybe for stopping or following his advice, he'd be happy."

More than a year ago, Moses decorated one corner of the clinic with pictures and anecdotes clipped from a Native newsletter. At the top of the display, he hung a banner that says "Traditional Lifestyles." Buried near the middle of the photos and stories, there's a short anecdote from Marie Nichols of Kasigluk. It says: "If a person has none of the teachings, he will be like someone lost in a blizzard. But the person who has the teachings will derive strength from them and use them like a walking stick to prevent himself from getting hurt."

December 15, 1988

Director
Alaska Area Native Health Service Refer to: (A-CHAP)

Requested IHS Report for Congress: Alaska Community Health Aide Program - Current Funding; Identified Shortfalls; Impacts Thereof

John Porvaznik, M.D., Associate Director
Office of Health Programs, IHS

BACKGROUND:

On June 23, 1988, in the Senate Effect Statements, Dr. Porvaznik was assigned a report/plan/study: Alaska Community Health Aide Program (CHAP) - Current Funding; Identified Shortfalls; Impacts Thereof.

This report was requested by Congress in response to the document "Alaska Community Health Aide Program in Crisis," dated March 28, 1988 and its corresponding "Briefing Paper," dated March 29, 1988. These documents were prepared by Debra Caldera, CHAP Director, Yukon-Kuskokwim Health Corporation, Bethel, Alaska for the Alaska Native Health Board and Association of Regional Health Directors. A copy of each document is enclosed (in the mailing). In these documents, the need for an additional $21 million was detailed. Congress granted a recurring additional $5 million to CHAP in FY 89 and has indicated support for full funding of the shortfalls identified in the documents.

I. CURRENT STATUS

A. Program Issues:

Services supported by this budget category:

Primary health care in rural Alaska is delivered by approximately 205 authorized Community Health Aides (CHAs) who receive remote medical supervision from a physician. A CHA is selected from his/her village, formally trained (approximately 10 weeks in three separate sessions) by one of three programs in the state, and employed by a local Native Regional Health Corporation (PL93-638 contractor).

It is believed that the CHA has the most difficult job of any health care provider in Alaska. In addition, CHAs are often overworked and underpaid. A typical CHA is a 38 year old woman with 3 children under 21 years of age. If all CHAs in Alaska were earning the maximum salary currently provided, only 15% would be earning an annual income above the Alaska Public Assistance eligibility criteria for a family of five members ($21,300/year). Program focus remains the development of community based expertise which is capable of providing the highest quality of medical care possible in rural Alaska.

Regarding field aspects of the CHA program, the Alaska Area Native Health Service's Community Health Aide Program (A-CHAP) functions as the facilitator of actions needed to ensure the delivery of quality health care. Further, regarding the CHA training programs statewide, A-CHAP continues to be the focal point for coordinating all training activities and overall program goals. A-CHAP's activities include certification of the various training programs, as well as certification of the individual CHAs in the Anchorage center's catchment area.

The program profile and focus presented above and in the "Alaska Community Health Program in Crisis" remains true today, with the exception of preparations for program changes resulting from the increases in funding in fiscal year 1989.

B. Program Funding:

Beginning in fiscal year 1985, all Community Health Aide funding became a component of the Hospitals and Clinics (H & C) funding cost center. Because of this, we have lost our ability to easily track these funds. Subsequently, the various P.L.93-638 contracts no longer have CHAP line item funds. Adjusting the fiscal year 1985 figure through the fiscal years by the changes in the H & C funding, we have arrived at a projected fiscal year 88 funding level of $4,485,757 for the tribal component of the CHAP. The A-CHAP component funds are much more quantifiable and are currently $559,008.

In fiscal year 1989, the additional $5 million authorized by Congress will be distributed to contractors to support the active training centers and to increase CHA salaries and number of CHAs.

II. IDENTIFIED SHORTFALLS and IMPACT THEREOF:

Most of these are identified well in the the document "Alaska Community Health Aide Program in Crisis," dated March 28, 1988 and its corresponding "Briefing Paper," dated March 29, 1988. These documents were prepared by Debra Caldera, CHAP Director, Yukon-Kuskokwim Health Corporation, Bethel, Alaska for the Alaska Native Health Board and Association of Regional Health Directors. IHS provided information for the preparation of these documents. IHS confirms its support for the additional needs identified in these documents and recommends that no further study is necessary at this time. A copy of each document is enclosed (in the mailing).

(NOTE: Identified Shortfalls and the Impact Thereof will be listed separately for each heading below.)

A. Community Health Aide (CHA) Salaries, Positions, and Related Training.

1. Identified Shortfall:

CHA salary is a major component in decisions by CHAs to resign from their positions. Other components include workload and physician back-up needs. When the program is fully funded, CHA salaries should be such that an individual can make a career of being a Community Health Aide.

In fiscal year 1988, $4.485 million was distributed to contractors for CHA services. This total was based on 205 authorized CHA positions. The additional $5 million authorized for fiscal year 1989 will be distributed to support the active training centers and to increase the salaries and number of CHAs. The amount presently anticipated to be distributed to support the training effort is $200,000, leaving $4.8 million for CHA program activities.

Should the contractors use these new funds as the source for meeting their indirect rate needs, funds remaining for direct program operations are reduced accordingly. The average indirect rate frequently used in such discussions is 23%, (the percentage varies between individual contractors). If 23% is removed from the $4.8 million, $3.696 million would remain for direct program operations.

Direct program operations for fiscal year 1989 include increasing CHA salary levels from an average of $17,397 (for 205 positions) to a level of $23,000. This is the interim level indicated in the document "Alaska Community Health Aide Program in Crisis." (NOTE: Reference TABLE I for line item breakdown.)

2. Impact Thereof:

A total of $1,435,000 is needed to accomplish the interim level salary increase for the existing CHAs, leaving $2,261,000 of the new (fiscal year 1989) funds for increases in program operation. These remaining funds would accommodate 79 new CHA positions at the $23,000 interim salary level. With the current 205 positions plus the 79 new positions, a maximum of 284 CHA positions could be in place this fiscal year. This is 161 less than the need as defined in the "Alaska Community Health Aide Program in Crisis." The funds identified for training would provide a minimum amount of training staff during fiscal year 1989. Subsequent increases in the number of CHAs would necessitate a commensurate increase in the number of trainers/instructors.

The funds identified for training would provide a minimum amount of training staff during fiscal year 1989. Subsequent increases in the number of CHAs would necessitate a commensurate increase in the number of trainers/instructors. (NOTE: Reference Table I for line item breakdown.)

Information follows about other program shortfalls which were not specifically included in determining the level of need identified in the "Alaska Community Health Aide Program in Crisis" document.

B. On Site Reviews of Contract Scope of Work:

1. Identified Shortfall:

As with all P.L. 93-638 contracts, on site program reviews should be conducted to assure compliance with stated objectives and contractual requirements. Annual transportation and per diem costs to conduct four reviews per year exceed $7,000. This review function is currently the A-CHAP's responsibility, yet current staffing within A-CHAP does not allow for timely on site program reviews.

2. Impact Thereof:

Continuation of this situation may allow for improper program direction, ineffective program accomplishments and/or continuation of unproductive activities, as well as the lack of knowledge of successful activities of possible value to other contractors.

C. Unmet Need for Qualified CHA Training Instructors and Salaries:

1. Identified Shortfall:

Typically, mid-level practitioners (Nurse Practitioners or Physician Assistants) are recruited for CHA trainer positions. Mid-level practitioners are in great demand, nationwide and statewide; competition for these individuals is keen today.

2. Impact Thereof:

We are finding that the IHS salary levels for these individuals are below what is often considered competitive within Alaska. Consequently, A-CHAP is presently re-advertising for two mid-level practitioner trainers; A-CHAP cannot negotiate salary and benefits well with prospective employees. Continued vacancies in required training positions would necessitate limiting the numbers of CHAs receiving training and/or delay needed training.

CHA programs throughout the state are experiencing training staff shortage and competition for applicants is increasing.

D. Community Health Aid Training Site Review and Accreditation:

1. Identified Shortfall:

Present funding and staffing constraints also do not allow for routine training site reviews/audits. All training sites must be periodically reviewed to secure compliance with: established curriculum, trainer certification, and previous recommendations. Each training site is accredited by the University of Alaska (Fairbanks) and A-CHAP.

2. Impact Thereof:

Periodic reviews are an essential component in maintaining accreditation and quality training programs. Without such activities being conducted on a routine basis, program difficulties could be allowed to continue. Ultimately, the quality of health care provided could be affected.

E. Community Health Aide Certification Board:

1. Identified Shortfall:

Related to training sites, a CHA Certification Board will need to be established. Currently this function is handled by each of the Training sites; this process lacks some quality assurance, control and accountability.

When a contractor conducts training for it's own CHAs, as well as follow-up and certification, the chance for inappropriate CHA certification increases. The decision to grant CHA certification needs to be based on an impartial review/analysis of both training and experience, as it is done with medical/nursing licensing boards.

2. Impact Thereof:

If CHAs are certified prior to fully completing the certification requirements, the implications for health care and medical liability could be considerable.

F. Training Capacity to Meet Projected Needs:

1. Identified Shortfall:

Presently there are only three active sites for basic CHA training. Those sites are Nome, Bethel and the A-CHAP program in Anchorage. Currently, the three basic training sites are having difficulty meeting the training needs of 205 authorized CHA positions. The additional funding identified in "Alaska Community Health Aide Program in Crisis" would accommodate a total of 448 CHA positions. Under the fiscal year 1989 increase, funds are not provided for training center expansion. Present training programs restrict their enrollment to accommodate the limitations of hospital clinic time, trainer workload, training capacity, and lodging.

2. Impact Thereof:

Each training program and all of the contractors must now be planning to accommodate additional CHAs, as the demand will more than double with the increased numbers of CHAs and the ongoing need for continuing and specialty training. Since training centers can not easily accommodate more students, some new CHAs may be required to function on the job for years without completing basic training. Meanwhile, the quality of the basic training could decrease as training centers become stressed beyond safe capacity and as other contractors try to provide some of the same education with limited resources and experience. The implications for health care and medical liability will be significant.

G. Instructors' and Supervisor/Instructors' Continuing Medical Education Needs:

1. Identified Shortfall:

Health care providers, including individuals with mid-level practitioner credentials, are required to obtain specific amounts of continuing medical education in order to maintain their certification. Further, there is a need for instructors to participate in short courses directed toward techniques in teaching and current methods of testing and evaluation. Present program funding levels have not accomodated this need on an ongoing basis, but only during occasions when certain additional and non-recurring funds are available.

2. Impact Thereof:

Qualified instructors become even more difficult to recruit. New instructors typically possess the requisite clinical skills but insufficient teaching skills. Instructor education in teaching methods is partially provided by the existing staff, which stresses that staff even more and creates a burnout scenario. The final result (given no significant change) is a decreased quality of instruction and possible continued training staff attrition.

H. CHA Supervision Needs:

1. Identified Shortfall:

Increases in the number of CHAs (by 138 in fiscal year 1989 and by a total increase of 243 with full funding of "Alaska Community Health Aide Program in Crisis") will yield a corresponding need for additional CHA supervision that was not addressed in the "Alaska Community Health Aide Program in Crisis" document. Since there are already supervisors in place supervising (unfunded, part-time) Alternate Community Health Aides, it is anticipated that a minimum of one additional supervisor per contractor will be needed. At an average salary of $42,900 x 12 contractors, this would require an additional $514,800 funding per year.

2. Impact Thereof:

If supervisors are not increased in number, the supervisory time available per CHA will remain low. There will be a decreased follow-up to training center concerns, while improper work habits may be learned and maintained. Less follow-up and continuing education results in CHA progress through the requisite training being unnecessarily slowed. This slowed progress could continue CHA frustration and possibly increase CHA attrition.

The new funds added to the CHAP in fiscal year 1989 bring the total, (A-CHAP and the tribal component combined), CHAP funds to $10,034,765. The "Alaska Community Health Aide Program in Crisis" document indicates "the total annual budget needed to maintain the CHAP at a minimum level is $26,523,904." The current budget for CHAP is $16,489,139 less than the indicated minimum level. Stated differently, the current CHAP budget is 37.8% of that minimum level.

The Alaska Area Native Health Service supports and endorses a phased in approach in establishing full program funding. The amount requested for this program in fiscal year 1990 was $7 million. The proposed schedule of fund increases is represented in Table II.

We appreciate the interest in the Community Health Aide Program. Please contact either myself or Mr. Frank Williams, Chief, A-CHAP should you have questions or any comments on our report. Mr. Williams' phone number is (907) 257-1302.

(Sgd.) G.H. Ivey

G. H. Ivey

Attachments: (2)
"Alaska Community Health Aide Program in Crisis," and its corresponding "Briefing Paper."

cc: Ms. Nicky Solomon, IHS Headquarters CHAP Liaison
Dr. Osamu Matsutani, A-DD
Dr. James Berner, Chief, A-CHSB
Mr. Frank Williams, Chief, A-CHAP
Dr. Robert Burgess, Medical Director, A-CHAP

TABLE I
ANTICIPATED USE OF NEW CHA FUNDS, FY 1989

1. Total Available (New Funds)	$5,000,000
2. Tap for the CHA Training Effort	$200,000
3. Total For Distribution	$4,800,000
4. Cost of the Indirect Rate (Average 23%)	$1,104,000
Subtotal	$3,696,000
5. Estimated Salary Increases (Existing CHAs)	$1,435,000
6. Amount available for new CHA positions	$2,261,000

The Line item "Amount Available for New CHA Positions" would accommodate 79 new CHAs (at $23,000 salary and 25% fringe benefits). This will allow for 284 CHAs or 161 below the fully staffed level indicated in the "Alaska Community Health Aide Program In Crisis" document.

Table II

Alaska Community Health Aide Program

Proposed Schedule of Fund Increases

Fiscal Year 1989	$5,000,000
Fiscal Year 1990	$7,000,000
Fiscal Year 1991	$7,000,000
Fiscal Year 1992	$2,479,139
Total Increases	$21,479,139
Total Budget (Increase plus present budget)	$26,523,904

FHW/mdk x1302

A-CHAP________
A-CHSB________
A-D________

Rural Alaska
Community Action Program, Inc.

TESTIMONY BY THE RURAL ALASKA COMMUNITY ACTION PROGRAM, INC., OF ANCHORAGE, ALASKA BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS, WASHINGTON D.C., MARCH 3, 1989 ON THE ALASKA FEDERATION OF NATIVES STATUS REPORT ON ALASKA NATIVES.

Mr. Chairman, Members of the Committee, my name is Jeanine Kennedy, Executive Director for the Rural Alaska Community Action Program, Inc. (RurAL CAP). Senator Inouye, members of the Select Committee on Indian Affairs, we are grateful for the opportunity to comment on the 1989 Alaska Federation of Natives Report on the Status of Alaskan Natives.

RurAL CAP is a statewide organization which has existed for 24 years and provides advocacy, technical assistance, education, and information to villages throughout Alaska. We operate programs in Head Start, Weatherization, Energy Conservation, Alcohol and Drug Abuse Prevention, Village Community Development, Subsistence and Natural Resource Protection, and support for tribal governments. Our constituents are the village people. We work directly with the rural Alaskans who are experiencing the pain, disadvantage, grief, and discrimination which this report summarizes. I am here to offer some insight, suggestions for change and healing, as well as to address one issue which has been over-looked in the report, but by its very neglect speaks of its direct connection to the continuing undermining and oppression of Alaskan Natives. I speak of the issue regarding recognition of tribal government in Alaska.

Administration • P.O. Box 200908, Anchorage, Alaska 99520 • (907) 279-2511, FAX (907) 279-6343

We could not agree more with the AFN Report on the Status of Alaska Natives in regard to the statement: "...in recent years, the pace of economic, social and cultural change in Native villages has been so rapid and the change so profound that many Natives have been overwhelmed by a world not of their making - a world of conflicting values ...." I want to confirm that what social scientists call rapid and forced acculturation, is in fact very real and devastating. I would call it rapid and radical forced acculturation. The impact of the changes is even now causing human misery and suffering of such magnitude that the entire rural Native population is at high risk due to this epidemic of spiritual, mental, social, and physical ill-health. Many Native people in the United States (not just Alaska) have become victims of this epidemic and, as the report states, "Probably no other group in the US has been more studied and reported on. Billions of dollars have been spent by anthropologists, politicians, academicians, psychiatrists, and bureaucrats in the name of Indian people." Yet, Mr. Chairman, the situation continues to worsen.

To give further insight I wish to acknowledge the writing of Dr. Robert Alberts who in the early 1980s was a public health physician and psychiatrist in the Yukon-Kuskokwim delta villages. What he wrote has had a profound effect on my own thinking which, in turn, has influenced the way we design programs at RurAL CAP. It is my hope that it will also influence you.

Dr. Alberts wrote, "It was difficult for me, in those early days, to understand why there was so much frustration, anger and violence among the people in the villages when they were so capable of support and genuine friendship and so free of prejudice toward others. It took time to develop insight into the sickness which had spread through the native communities and which was causing so much self destructive behavior especially among the young people."

Mental health is the positive attitude toward life which makes it possible for us to reach our highest potential as human beings and the skills to cope successfully with the stresses of life. Our coping skills are important to help us maintain a state of well being. Additionally, family and supports systems are necessary to cope with stressful life events. Well being is a state of harmony between the individual and his or her total environment, and requires successful adjustment in the areas of physical, mental, cultural, spiritual, and economic interaction.

Of course, all of us are constantly exposed to the stresses of life, hardship, illness, injuries and the loss of close ones. However, people in Alaskan villages are exposed to a whole set of additional and very different stresses known as acculturation. As we grow up we learn to cope with the general stresses of life and people have developed ways to ease the impact of these stresses in the form of cultural traditions. Our cultural traditions guide us throughout our life and become a healing force when we are faced with events which threaten our well being. In Alaska villages, however, the changes are coming too rapidly and are forced upon us. The values held by external powers are in direct opposition to ours. Our traditions are not adaptable to these changes and therefore are not available to guide us. The result has been destruction of Alaska Native cultures by outside forces.

Forced Acculturation in Alaska

Looking back on the recent history of Alaska it appears that many of the problems of today are related to the attitude of the non-Native care givers who have come to the state in great numbers to "save" or "help" the Native people. There are a few exceptions, but the great majority of the outsiders, the missionaries, the teachers and the administrators and employees of the many different agencies are thoroughly convinced of the superiority of their own cultures and values. They believe that replacing the Native culture and values with their own is beneficial and therefore justified. This belief, typical of most dominant societies, persists and prevails in Alaska today. We have a great many well-meaning agencies, institutions, and organizations who give lip-service to "being Native" but, in truth, they do not share the values of the people they serve. Many of these programs and organizations are designed explicitly to meet the needs of the villagers. In reality they serve instead the needs of the Native or non-Native service deliverer or governmental agency rather than the recipient. It is a mixture of ignorance, cultural near-sightedness, co-dependency, values conflicting with traditional Alaskan Native values which continues to be fed by the self-serving attitude of those who purport to help the villager. It must be pointed out that though these attitudes come through agencies, they are carried by individuals who carry out these agencies' policies.

The Natives of Alaska occupied almost all areas of Alaska from between 10,000 and 30,000 years (there is some disagreement among archaeologists) to the present. Clearly, the Native people were not in need of salvation. The need for the Western society to justify a sort of "non-hostile takeover" of Native lands and resources began when the Russians realized the value of fur and introduced the Aleut people to the Russian Orthodox religion and later actual slavery. For many centuries their own cultural traditions, values, and knowledge provided Alaskan Natives with the skills to survive successfully in their own environment. Cultural disintegration started when the non-Native culture, totally foreign to the natural environment of Alaska, caused great disruption between the land and the people. To sustain itself the newcomers' culture had to bring along extensive support from the outside. More recently, after the Native way of life became increasingly influenced by the dominant culture, either by choice or by coercion, the Native people themselves became dependent on the outside world all the way from the education of their children to the import of supplies ranging from infant formulas to pre-fab houses. The most damage to self-esteem among Native people has sprung from a dependency which is, in fact, an artificially created situation that has since been perpetuated by scores of federal, state and private programs. Indeed, Natives have joined in -- those Natives who have never lived in the villages, who have no knowledge of their peoples' traditional values, and who are immersed in the non-Native dominant system. They have joined the ranks of exploiting and supporting the dependency of their own people. Unfortunately (and this is important to note, Mr. Chairman), by virtue of that adaptation and choice, the most visible political leaders have the same values as the dominant society and thereby wield power over the lives and destinies of the great majority of Alaska Native people -- people who hold very different values.

A lack of understanding, awareness or consciousness of what has happened by those who came with good intentions, continues to cause a great deal of harm. Our purpose in coming to Washington is to promote a better understanding of the dilemna faced by those who have suffered the most harm: the politically and economically powerless people of the villages in Alaska.

Recently even more misunderstanding has occurred because the phrase "self-sufficiency" was coined. We believe this catch phrase has served only to further assimilate the Natives into the dominant society's culture. It amazes me that those who are the most disadvantaged and have the heaviest burdens are the ones over whom the whip of the words, "become self-sufficient," is cracked. The biggest outcome of the "self-sufficiency" fad has been to increase the feelings of powerlessness and ineffectuality of the village poor. The rules to the self-sufficiency game were and are based on the values of the non-Native culture. When Natives cannot comprehend this concept, non-Natives get frustrated and blame the Native. They say, "Look at all that money we gave you; you are always looking for a hand-out, you will not work." ANCSA is a good example of a "self-sufficiency" mode of production development system trying to promote itself. ANCSA has been a dismal failure in the eyes of the villagers. ANCSA itself, though purporting to enable self-sufficiency, has, in fact, proven to be the greatest obstacle. It divides the people and weakens them and threatens that which we value most: our cultural ideals, our spiritual values, our connection with the land. True, it has created for-profit regional corporations wherein a few Natives make good salaries, but few, very few, village Natives have had their lives improved by the millions of dollars that accompanied ANCSA. If ANCSA was to help us, it has not. It has not improved the lives of many, nor made them self-sufficient, happy or peaceful.

The unwillingness to give up or even to share power and control by outsiders has left Native people in the villages unprepared for the changes which are taking place. An example of this is the total undermining and opposition to village requests for power to run their own programs (too expensive); to govern themselves in a manner they can control (the State says there are no tribes in Alaska save Metlakatla!). The State of Alaska and the federal government have refused to discuss tribal government. Thus, villages continue to feebly assert their rights with very little moral or political support. Indeed, those in the villages who attempt to gain more local control or engage in activities which would boost their own development in a manner comfortable or useful to them are more often than not met with outright opposition. Thus, efforts by villagers to hang on to the very threads of tribalism are undermined. A good example of this is when the BIA apparently arbitrarily dropped thirty-three villages from their list of federally funded tribal entities last year. This attitude on the part of government continues to foster a state of dependency and oppression which is so cruel and inhuman as to be incomprehensible. This is a violation of human rights and gross violation of the fundamental freedom of Native people.

Dependency is a very destructive force. As children we are born with a sense of being special, but this feeling of self-worth develops only if we have the good fortune to grow up in a healthy environment. If the positive force is missing during our childhood, the tension between the natural need for self-fulfillment and the doubts about our self-worth leads to a chronic state of frustration which in turn creates anxiety and anger: anger turned inward as well as toward a world which fails to support us, or even worse, stunts us or oppresses us in our own growth.

Every human being is endowed with the creative ability to grow and shape our individual lives. The true meaning of life lies in finding self-fullfilment within the confines of our own talents and abilities. When this spiritual base is destroyed or suppressed life becomes shallow and quite meaningless. Instead of taking control of our own destinies we allow events and outside forces to take over. When that happens a state of hopelessness sets in, in which neither the past nor the future seems to be important. Since we feel so poorly about ourselves it becomes hard to be close to others as we find it difficult to believe that anyone could like us. So we seek immediate gratification and artificial highs and in the shallowness of our relationships we become even more lonely.

Parents today are transmitting their feelings of helplessness to their children. Fetal alcohol syndrome is but a physical symbol of this transmittal. Overwhelmed and confused by the technical skills of the dominant culture, they fail to recognize the strengths which lie in the spiritual values of their own Native cultures. It must be acknowledged that values which are time-tested and which have sustained the people for 10,000 to 30,000 years have value in today's world and must be applicable. But parents are not sharing these values with their children. Even when they try to do so, the alien values brought in by outside educational systems are often so different from the children's own cultural background that confusion is inevitable. More importantly, the values of Native people (sharing, non-competitiveness, respect, being kind, having joy, acceptance, not taking more than you need) are in direct opposition to the non-Native values of individual rights, competition, "get what you can while you can", etc. The children are growing up without the spiritual foundation of their parents (or grandparents) to assist and guide them in the Native world. Yet, they are uncomfortable in the dominant culture, which to them is foreign and confusing. They continue to carry the blueprint in their genetic make-up of Native spiritual values -- values they may not even be conscious of carrying. Without an awareness of spiritual values on which to anchor life, people become like a ship without a rudder at the mercy of the winds and the waves: totally reactive.

Mr. Chairman, at this point I would like to insert a definition or clarification of what we mean by the word "spiritual." First, when we say "spiritual" -- we do not mean religion. Spiritual has nothing to do with "good" or "bad." The concept of "spiritual" of which we speak is energy created by values based on spiritual law rather than material or physical law. Values are not customs. Values are truths that continue to be applicable over time because they assist people to be in harmony with universal law. Spiritual values are universal though they may be stated in different ways. Spiritual or universal laws quite often are paradoxical in nature. Spiritual laws must be practiced and experienced to be understood. They cannot be explained, described or taught through a mental framework. Practice and use of spiritual laws result in well-being, peace, harmony, growth and reaching potential -- all positive qualities.

It should be clear that in order to reverse the harmful effects of forced acculturation a focus needs to be placed on re-building the strength of the individual's spirit. The spirit can be healed by balancing the mental, emotional, physical, and spiritual aspects of a human. Change in the state begins with change in the communities. Change in the communities begins with change in the families. But change in the families begins with change in the individual. I believe it is not only the people who are suffering who must be strengthened to change but each of us -- in our attitudes, our self-centeredness, and in our arrogance.

Some true spiritual values must guide us. We simply cannot go on the way we have been. It all begins with us -- each one of us.

Community Development -Personal Development - Spiritual Values

Community Development is a new "buzz word". RurAL CAP has had a lot to do with creating this new fad in Alaska. Everyone is beginning to adopt it. In a way that is good, but if the integrity doesn't come with the model, it isn't much better than anything else that has come along. Because, as stated before, the wholistic concept behind the model includes the spiritual as an integral and necessary component. The spiritual aspect cannot be "faked," it has to be real. It has to come from the heart.

Historically, RurAL CAP has fostered the concept of "empowerment." That is, we seek to provide people with the opportunity to experience their own power. In the 1960's the AFN was established and supported with funds provided by RurAL CAP.Nine of the twelve regional non-profit organizations which deliver social services to the villages in their regions today were (Kawerak, Maniilaq, Kodiak Area Native Association, etc). started by RurAL CAP; and it would be a mistake to say that the other three used the nine as their model. In those days, statehood was new and no infrastructures existed through which the State could funnel services. RurAL CAP organized villages in the regions to categorize and prioritize their needs, and eventually the non-profits were formed. RurAL CAP provided management training and supported the non-profits to spin-off and become their own agencies. Today, many of those non-profits are much larger than the parent, RurAL CAP.

Over the last several years RurAL CAP has tried innovative approaches to addressing the issue of alcohol and drug abuse in the villages. Our efforts to arrest the situation had not been any more effective than any other, and in many cases may have contributed to the problem, to be honest. However, about six years ago we began to develop a model or a process wherein the goal was to "reawaken" people. We searched out successful models of community development and adapted them to our own needs in Alaska. The hope was that through personal development people could be healed. Using two staff people we connected with over 90 villages in one year, giving trainings and workshops in personal development to one village after another. The trainings and workshops were provided only upon request by a village. The point of entry could be any: economic, political, social or spiritual -- and from there the trainings and workshops evolved into the teaching of a wholistic process.

The requests from villages for our wholistically modeled personal development workshops was over-whelming and we had only two staff people. We wrote a proposal and got funds to "do the process" in three villages and to document it. We are now in the second year of that program and we are learning more all the time. The requests for trainings and workshops continue. We decided last year to start training other people to do what we do because there is such need. We now have one trainee.

The characteristics of the trainings are unique and individual for each specific village. We never go into a village with any pre-determined idea of what should occur. We facilitate the village group to discover their own answers and solutions. They are always amazed that they know what they know. We have a value of respecting their input and direction. Second, we always support whatever it is they want to do. In the Yukon Flats, the people decided they wanted to start a fur-cooperative; and they also wanted to form a tribal consortium of the 8 villages in the Yukon Flats despite the fact that the State doesn't believe in tribal government. Then the people of the Yukon Flats decided that alcohol was really undermining their efforts and so they decided to write a proposal to get funds to get some personal development training from Alkali Lake and others. What we have done is to provide moral and political support for people where they live. We support the peoples' efforts. I believe that the way to get people to believe in themselves is to assist them to have the opportunity to discover it in themselves. It sounds too simple to be effective, but I assure you it is.

We have noticed in the past year an increased interest in the model we developed and which was adapted from the Four Worlds' Community Development Project in Canada, the Alkali Lake Indian Band's "New Direction Training," and the Sarvodaya Shramadana Movement in Sri Lanka by other organizations. We are happy to see that the Alaska Federation of Natives, the Alaska Native Health Board and others have begun to recognize the relevance of community development to finding solutions for Native problems.

We discovered that to be balanced all aspects have to be considered. It must be reiterated and stressed that approaching such a complex problem of social disintegration as we are experiencing in Alaska must not be approached from any single aspect. Too often the belief is "if more jobs are created;" or "if the educational system is worked on," then everything will be better. We say creating jobs does no good if people cannot show up for them because they are drunk. Sobering people up does not last long if an inner psychic healing does not occur. The two aspects of the human which have been seriously neglected are the political and the spiritual. These two aspects must be incorporated with the social and the economic processes of strengthening and development. But first, healing must occur. It is irrational to think of putting people to work or into school while they are on their death beds.

The major component has to be a balance of all aspects of the human: spiritual, economic, political, and social. In all the programs and ideas that have been tried the practice of spiritual values -- the acknowledgement -- the real grit of spiritual values has not been exercised and thus the wheel of life has been very unbalanced.

Village Reawakening

Last December, I had the opportunity to visit the Sarvodaya Shramadana Movement in Sri Lanka for one month. Sarvodaya is probably one of the most successful models of community development in the world. It was started 30 years ago by Dr. Ariyaratne and a small group of students who went to one of the villages to work with the people to bring about self-development. The movement is flourishing today, having reached 8,000 villages, and over 3 million people.

People there who had felt dependent on the outside world for a long time began to realize their own potential by exerting control over what was happening in their village through the Sarvodaya process. Before, in Sri Lanka, outside agencies and resources used to tell the villages what they needed, tried to get them to "buy in", and controlled to a great extent what was happening in the villages. The situation is similar to Alaska, except that for us the situation has had more serious results: extreme alcoholism, suicide, and other tragedies. After the re-awakening of the villages in Sri Lanka took place the villagers began to realize that they themselves are the experts about their true needs. They began to develop their own resources, to control and coordinate the assistance they receive from outside agencies.

The most important thing I learned in Sri Lanka is the importance of accepting and practicing spiritual values as an important ingredient to any activity. As an example, in Sri Lanka every village engaged in the Sarvodaya Movement has a thorough knowledge of the spiritual values of their culture -- they are taught them. A preschool teacher chosen by the village goes to Sarvodaya for a three-month intensive training, and her/his first 4 weeks are totally devoted to learning and practicing the spiritual values. Not only does Sarvodaya teach the values to the villagers, but Sarvodaya staff, program and organization practices these principles in their daily lives in everything they do. In other words, it is not "lip service", it is real.

We Need A "New" Way ... the "Old" Way Isn't Working, Folks

Alaskan Native people have values -- rich ones. What has to occur is for Native people to have the opportunity to relearn and practice them in a practical way. Healing is a component of that. We can not even think of economic development or education until we can assist the healing of the people inside. Only then can we work together effectively. Individually, we cannot do it. We have to have support -- a drowning person cannot save him or herself. We must be willing to throw out a rope and pull the person out. But service organizations and governmental agencies have to develop respect for Native people and be willing to release some of their own power and control. We must begin to practice some values ourselves, values that are based on moral truth, integrity, and humbleness. State and federal government will have to be willing to support, not undermine; to assist, not oppress. I believe there has to be change at this level as well as change at the village level. What I plead for is the "kinder and more gentle nation" that President Bush spoke of in his address to the nation upon being inaugurated. If each of us at this hearing would make the small commitment to give as much as we can to empower some one, some village, without giving any consideration of the return to us or fear of what we would lose, I guarantee you the impact of just these few people will be tremendous.

It is only right to mention that RurAL CAP as an organization has gone through many stages of growth since its birth 24 years ago. In our history we have "shaped dependencies" along with the rest. What I believe is unique is that we were willing to look at ourselves, to do an "inventory", and to clean up our act in order to be "true servants." But, by this very experience and willingness to be honest we learned much, and the benefit was that it enabled us to grow into a healthier organization. We continue to learn today. We don't believe "we know it all." We realize that we know only a little and that more will be revealed to us as we go along. We want to share what we have discovered and realized through our own experience.

There is a great need to approach this whole problem in a completely new way. We need a new service delivery system for the Native people which will respond to the very special needs resulting from "rapid and forced acculturation." What we need is an opportunity and support for people in the villages to regain control over their own lives. This is a key issue: having had no opportunity to learn how to make decisions, Native people have had a hard time even deciding to sober up! There must be a serious effort to interrupt the development and continuation of the dependency as well as the co-dependency syndromes.

Examples of Oppression and Undermining

Every time Native people in our state wish to be more "in control" the desire or motivation is cut off at the knees. As I mentioned earlier, our own state refuses to acknowledge village peoples' right to assert tribal government authority. Their response is: "You must fit into the municiple system of government because that is easier for us." The message is that there is no room for alternatives in our society. Underlying messages sound like: "We do not want you to have the power of tribal government because you have resources we want. With tribal government, the state would lose control." Do you recognize how these subtle, yet powerful and oppressive system keepts the majority of the Native people in the stance of a victim and powerlessness?

The people in power, the state government, the federal Department of the Interior which is designed to support the people, in fact, constitute the oppressive forces at work. They have contributed much to the social destruction and deterioration of Alaskan Native people. No matter how innocently, it is a matter that needs to be looked at and evaluated honestly. Do we undermine or support? Do we foster dependency? Are we willing to change?

The continual erosion of rights of Native people to exercise tribal government is the best example I can think of. The BIA rearranged the list and obviated tribal entities and put in the place of tribal organizations the names of for-profit corporations and village names! Can you believe it?? The whole thing serves to confuse the villages and to create possible dissension by not clearly stating who is to be the recipient of the services. The possible unconscious motive of the Department of Interior may have been to reduce the chance for any village government in Alaska to practice tribal rights. They have reduced the list to a mere recitation of villages that may receive services! This is the subtle undermining and disintegration of the rights of Native people that continues to exist and is being fostered by the very entities that claim to be "helping" Native people.

In conclusion we offer two recommendations:

1) The spiritual component must be included in all undertakings. The execution of these programs or services must include the participation and involvement at a grassroots level by the people who will receive the services. The organizations and agencies must evaluate themselves using the criteria of whether or not they are delivering services based on a wholistic, spiritual model which they can practice themselves. We need to support each other to be the best we can be.

2) If we really want to embrace the true aspirations of Alaskan Native village people, then we have to do it in a concrete fashion. To be specific, we request Congress to provide legislation to clear up the issue of exercise of tribal rights by Alaskan Native tribes. This legislation must be be clear about the exercise of tribal rights, powers, and authorities in Alaska. We cannot any longer be wishy-washy and dishonest about this matter. If we do not deal with this matter it will only contribute to the further social deterioration of our communities. We cannot let our villages be litigated to death. It is happening in Alaska right now and it is paralyzing the exercise of authority in other villages.

Thank you again for giving RurAL CAP this chance to speak. We wish you success in your undertakings on behalf of Alaska's Native people.

ATTACHMENTS

- *Toward Understanding: A Positive View of Federal - State Tribal Relations* written by David Case, sponsored by the Rural Alaska Community Action Program, Inc., 1986 (four copies only).
- Recent newspaper clipping: "Akiachak's sovereignty up for grabs;"
- Alaska-BIA response to new BIA list.
- RurAL CAP brochure

Sunday, February 26, 1989, The Anchorage Times

Akiachak's sovereignty up for grabs

State panel accepts dissolution petition

By BOB ORTEGA
Times Writer

Willie Kasayulie knows actions speak louder than words.

Five years ago, his village, Akiachak, decided the way to achieve tribal sovereignty was to act sovereign; villagers agreed to dissolve their city government and turn power over to a tribal council.

Since then, Kasayulie and other village leaders have sought state recognition of their action. Now, after twice rejecting Akiachak's request, Alaska's Local Boundary Commission has accepted a formal dissolution petition from the villagers, and has agreed to schedule an election.

But Kasayulie, council chief of this Yupik Eskimo community on the banks of the frozen Kuskokwim River, isn't holding his breath.

"The commission has been more or less putting us off," he said in a telephone interview Friday.

Kasayulie said that after meeting with the commission in November, he'd been left with the impression that an election could take place this month. Now a tentative schedule by the commission calls for an election no sooner than November, contingent on a thorough independent audit of Akiachak's finances.

"The irony is that the Local Boundary Commission certified the city as clear of any debts in 1985," said Bart Garber, a Native American Rights Fund attorney representing Akiachak. He estimated that the audit could cost the village between $5,000 and $10,000.

"We acknowledge the need for some kind of accounting, but a full-blown audit is very expensive; now we're stuck with trying to come up with ten grand when we only have money available for services" provided by the village council, Garber said.

Local boundary commissioners say they are prohibited from discussing pending cases. Dan Bockhorst, a boundary commission staff member handling the administrative aspects of the dissolution request, said state regulations specify that a municipality seeking dissolution be free of debt or have satisfied creditors.

"The commission feels it is in the public interest to require the audit," he said. "It's a very significant action, and it's important to be sure that there is independent report on the status of any liabilities."

Bockhorst said that Akiachak could well have acquired new debts since the commission looked at the village's finances in 1985.

Many other Western Alaska villages have been watching Akiachak's efforts with the idea that they too may turn power over to a traditional council, state officials said.

Atmautluak, Chefornak, Kasigluk and Tununak are among the Yukon-Kuskokwim Delta villages that have contacted the state seeking information about dissolution, according to the Department of Community and Regional Affairs.

A comprehensive audit is "clearly a significant impediment to any other dissolutions," said Garber.

"It's not intended to be a block," Bockhorst said. He explained that the department will help Akiachak find ways to comply with the audit requirement as inexpensively as possible.

Bert Greist, now a special assistant with DCRA, was on the Local Boundary Commission when it rejected Akiachak's previous dissolution requests.

"I was the dissenting vote," he said. Greist said that the commission was then and is now "being very, very careful, because they're setting the precedent, because other communities are seeing Akiachak as the model."

Akiachak's tribal council was chartered in 1948 under the federal Indian Reorganization Act. The village adopted second-class city status under state law in 1974.

Its city council had been inactive for two years when it first approached the commission about dissolution. In May 1985, the commission turned down the village, citing debts. After those were addressed, the commission again voted no in November 1985, ruling, in effect, that under state law only ghost towns could disband their governments.

Akiachak appealed the decision to state Superior Court. Last year, the state legislature modified the dissolution law, and the village decided to stop pursuing its lawsuit, Garber said.

When the dissolution takes effect, "It will make things easier," Kasayulie said.

"As it is, we've taken over all the services the city provided," he said, explaining that after several years of negotiation, the state began working with the tribal council in 1986.

Jeanne.

UNITED STATES GOVERNMENT

memorandum

BUREAU OF INDIAN AFFAIRS

JUNEAU AREA OFFICE

1989 verify.

DATE: January 13, 1988

REPLY TO ATTN OF: Area Director, Juneau Area

SUBJECT: Corrections to Alaska Entities Federal Register List

TO: Assistant Secretary-Indian Affairs
Attn: Tribal Government Services

As directed, we are transmitting herewith "corrections" to the December 29, 1988 Federal Register List for Alaska Native Entities. You will note that our response is in ten parts: Part 1 addressing spelling errors; Part 2 addressing name corrections; Part 3 addressing identification of other names by which the village is known; Part 4 addressing errors in village/entities names to the exclusion of Napaskiak; Part 5 addition of a Village Corporation which changed its corporate name; Part 6 addition of place name to correspond with the inclusion of the Village Corporation; Part 7 recommended additions to the list; Part 8 deletion of place names which are duplicative of existing villages/entities; Part 9 deletion of place names which conflict with IRA tribes and Part 10 addressing other related issues.

1. SPELLING CORRECTIONS:

Andreafski	instead of	Andreafsey
Atqasuk	instead of	Atkasook
Atqasuk Corporation	instead of	Atkasook Corporation
Atmautluak, Ltd.	instead of	Atmauthluak, Ltd.
Belkofski	instead of	Belkofsky
Chefornak	instead of	Cherfornak
Chefarnrmute, Inc.	instead of	Chefarnmute, Inc.
Chuloonawick	instead of	Chaloonawick
Evansville	instead of	Evanville
Evansville, Inc.	instead of	Evanville, Inc.
Gana-A'Yoo, Limited	instead of	Gana-'Yoo, Limited
Kuitsarak, Inc.	instead of	Kiutsarak, Inc.
Napamute	instead of	Napaimute
Nuiqsut	instead of	Nooiksut
Piamiut	instead of	Paimiut
Toghotthele Corporation	instead of	Toghottele

Under -

Kuskokwim Native Corporation
Lower Kalskag ....instead of Lower Kalska

Under -

Nunakauiak Yupik Corporation
Toksook Bay.....................instead of Tooksok Bay

OPTIONAL FORM NO. 10
(REV. 1-80)
GSA FPMR (41 CFR) 101-11.6
5010-114

2. NAME CORRECTIONS:

Algaaciq (aka St. Mary's).........instead of St. Mary's
Kuskokwim Corporation.............instead of Kuskokwim Native Corporation
Kalskag...........................instead of Upper Kalskag
Chinik Eskimo Community(aka Golovin).instead of Golovin

3. ADD aka (also known as) to the following villages:

Mentasta Lake (aka Mentasta Village)
Goodnews Bay (aka Mumtrak)
Chuathbaluk (aka Russian Mission or Chauthalue (Kuskokwim))
Galena (aka Louden)
Marshall (aka Fortuna Ledge)

4. CORRECTION TO ERROR IN NAME

The list contains five entities identified with NAPAKIAK. The last two, i.e., Napakiak and Napakiak Corporation need to be corrected to show them as NAPASKIAK and NAPASKIAK CORPORATION. The Village of Napaskiak and its ANCSA VILLAGE CORPORATION did not appear on the list because of the typographical error.

5. CORPORATION NAME CORRECTIONS/ADDITIONS

The ANCSA Village Corporation for the Village of Gambell is SIVAQAQ, INC. which is Active and in Good Standing. Please add Sivaqaq, Inc. to the entities listing.

6. ADDITIONS TO VILLAGE NAMES:

Anton Larsen Bay needs to be added because it is a certified ANCSA eligible village and its Village Corporation is included in the listing.

7. RECOMMENDED ADDITIONS TO THE LIST:

The following villages and entities are served by Contractors and Grantees under their PL 93-638 Contracts and Grants (as approved by the Bureau of Indian Affairs) and should be included in the list:

1) Medfra
2) Minchumina Lake
3) Pelican
4) Shoonaq
5) Skagway
6) Tenakee Springs
7) Tok
8) Wiseman

OTHER ADDITIONS:

9) AUKWON (aka Aukquon) should be added to the listing. They have had a request before the Bureau of Indian Affairs since 1982 for federal recognition as well as requesting a Secretarial Election for the purpose of adopting an IRA constitution. They are applying for reorganization in accordance with the provisions of the 1936 Alaska amendment to IRA.

Should any or all of the nine Villages/entities in this part not be added to the federal register list, we are requesting that we be provided with an explanation of the reasons why each of them cannot be added to the list.

8. DELETE THE PLACE/ENTITY NAMES AS FOLLOWS:

1) Inalik (Diomede) because it is the same as Diomede.
2) Russian Mission or Chauthalue (Kuskokwim) because it is the same as Chuathbaluk
3) Ahtna, Incorporated because it is the same as Ahtna, Inc.

9. DELETE THE FOLLOWING PLACE NAMES IN CONJUNCTION WITH IRA COUNCILS BUT LEAVE THE NAME OF THE IRA COUNCIL AND LEAVE THE NAME OF THE VILLAGE CORPORATION ON THE LIST.

NAME TO BE DELETED:

Akiachak
Akiak
Angoon
Atka
Buckland
Craig
Deering
Elim
Fort Yukon
Gambell
Grayling
Hydaburg
Inalik
Kake
Karluk
Kasaan
Kivalina
Klawock
Kotzebue
Koyuk
Kwethluk
Kwigillingok
Mekoryuk
Napakiak
Nikolski
Noatak
Nome (aka Nome Eskimo)
Noorvik
Nunapitchuk
Perryville
Point Hope
Point Lay
Quinhagak (aka Kwinhagak)
St. Michael
Savoonga
Saxman
Selawik
Shageluk
Shaktoolik
Shishmaref
Shungnak
Stebbins
Stevens Village
Tanacross
Tanana
Tatitlek
Tetlin
Tuluksak
Tununak
Tyonek
Unalakleet
Venetie
Wales
White Mountain

10. RELATED OTHER ISSUES:

The listing of place names in addition to IRA Councils and instead of traditional councils casts serious questions on applying the Order of Precedence which Juneau has applied in the PL 93-638 Contracts and Grants applications since 1976. The elimination of any specific reference to village councils of the IRA's and traditionals, may lead to the conclusion that a state village municipality or other entity with the same place name would be eligible for services.

With all due respect, we feel it is necessary at this time to reaffirm our objection to the omission of all reference to Indian Reorganization Act Tribes and Traditional Tribes from this latest listing. We are disturbed that the construction of the current list only serves to dilute, erode and compromise the historical relationship the Bureau has established and fostered with tribal governments in Alaska.

Since this list has been published and since it has almost tripled the number of entities previously listed, it creates, if not compounds, the problem of overlapping or multiple entities for the same geographic area. We suggest that in order to minimize the confusion and conflict likely to result from it that consideration be given to revising and publishing our Juneau Area policy determination on the Order of Precedence of the respective entities.

We note that there are many instances where geographic locations are listed with no apparent entity or designated organization identified to be the recipient of services. The preamble states that all entities listed on previous lists are included in the December 29, 1988 publication. But this is not the case since traditional councils are omitted. We believe it is paramount that the traditional council names be reinstated on the list in order to remove all doubt of the entity that is eligible for services. We will be preparing an addendum to this transmittal which will list all of the organizational names of the traditionals and will submit the complete listing to you within the next few days.

The list is not consistent with part 83 of the BIA regulations since ANCSA for-profit corporations, which admittedly are not tribal governments, have been added to a list under a regulation and law which only provides for the recognition of tribal governments. Non-tribal service contractors could be included in another list created under separate authority if that is the department's desire.

The federal regulations under which the new list was published, i.e., 25 CFR Part 83, explicitly state that inclusion on the list means entitlement to the "protection," "privileges and immunities" of other recognized tribes as well as entitlement to "funding and services." By stating only that inclusion on the list means entitlement to federal "funding and services," the preamble to the new list could be construed to impliedly exclude the fact that the listing also means entitlement to the "protection" of the federal government and entitlement to the "privileges and immunities" of other recognized tribes. And it is these which are attributes of a tribal government. Again, the possible implication is that the new list was only intended to list those Native organizations eligible for federal funds and services and not a recognition of tribal status in the political sense. We strongly believe that such an intent conflicts with part 83 regulations under which we recognize tribes, not mere service organizations.

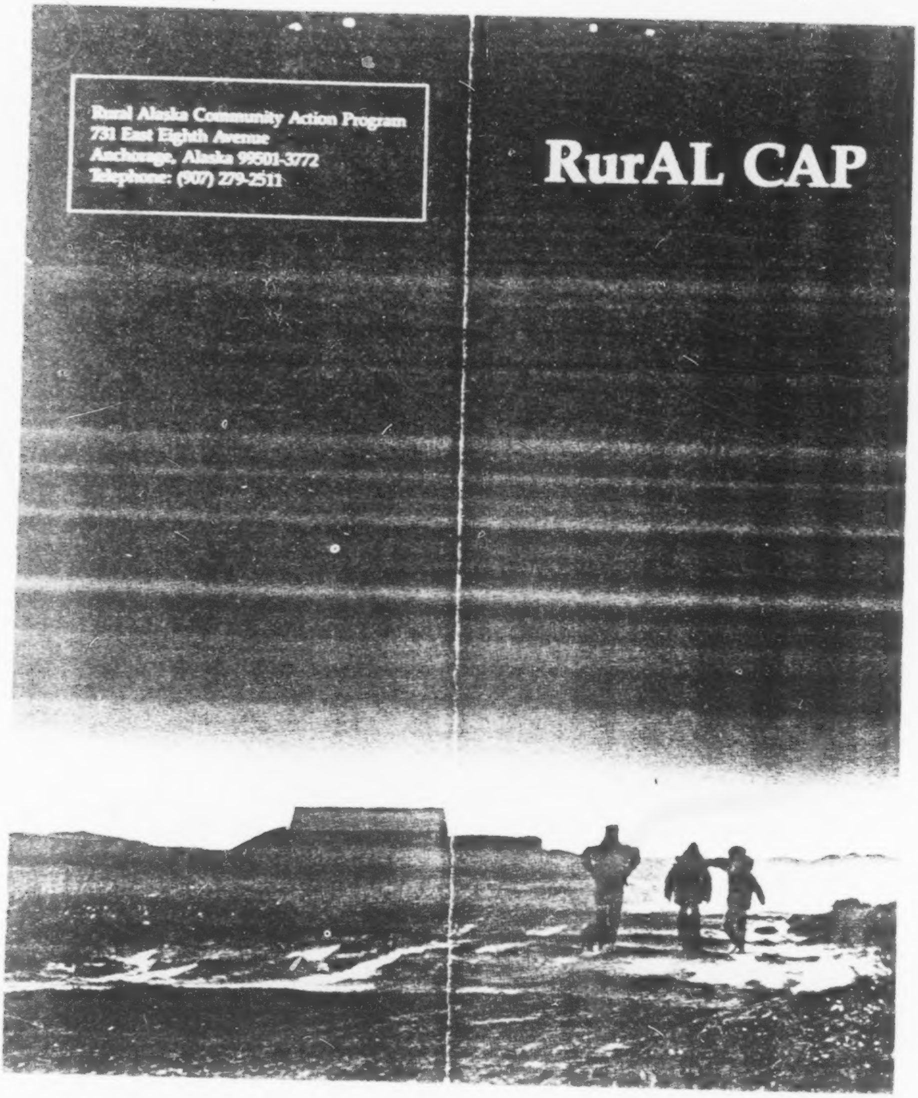
Our preference is to have the 1985/1986 preamble to the entire list restored, any unique Alaska 'preamble' should be deleted, and one list should be published which included the lower 48 tribes, all of the 1986 Alaska entities plus the several recognized villages which have been excluded from past lists and from the most recent publication."

In the preamble, there is a statement to the effect that, prior language used in earlier publications to qualify the Alaska Native Entities list were "inadvertently dropped". This is an incorrect statement. The preamble was not inadvertently dropped. It was deliberately omitted after many discussions between Central Office staff and the then Area Director, Jake Lestenkof.

One other point that we need to address is the status of the Native Village of Barrow as an IRA. Our Fairbanks Agency has expressed their frustration that their 1987 request for clarification of the validity of the 1965 election to revoke their IRA status has not been addressed. Juneau Area forwarded an opinion of the Anchorage Regional Solicitor to Washington, D.C., for review and clarification for the benefit of the Native Village of Barrow. On January 6, 1989, the President of the NVB again asked for an answer concerning their status and also questioned the December 29, 1988 federal register listing which does not reflect their IRA organization name.

We appreciate this opportunity to provide your office with appropriate corrections to the December 29, 1988 federal register listing. We would also deeply appreciate your assistance in recommending that our changes be included in a corrected version of the December 29 list. Should we need to provide your office with additional information, please contact our Tribal Operations Office at (907) 586-7577.

George A. Walters



Rural Alaska Community Action Program
731 East Eighth Avenue
Anchorage, Alaska 99501-3772
Telephone: (907) 279-2511

RurAL CAP

RurAL CAP

The Rural Alaska Community Action Program, Inc. (RurAL CAP) is a private, nonprofit corporation whose goal is to promote maximum participation by village people in the elimination of the causes and conditions of poverty in rural Alaska.

For over twenty years, RurAL CAP has responded to the concerns of rural people and assisted them to impact the decision making processes which affect their lives by advocating, providing information, and assisting with the delivery of technical skills and direct services.

By following the belief that rural Alaskan communities have the right to maintain their cultural heritage and close relationship with the land, RurAL CAP plans its activities with input from and respect for the people it serves.

RurAL CAP's Board of Directors is made up of village representatives, elected public officials and members of other nonprofit organizations with similar goals. The Board identifies the major issues affecting rural Alaskans and directs the staff to address these issues through the following programs:

CHILD DEVELOPMENT

The Child Development Department believes that Alaska's most precious natural resource is its children. It therefore provides direct services through Head Start in 32 communities from the Southeast Coast to the Arctic North.

RurAL CAP administers comprehensive child development programs which include components in:

* nutrition
* health
* education
* special needs
* parental involvement
* career development
* training
* advocacy

Because participants of these programs consistently require fewer government sponsored services later in life, Head Start has often been referred to as the most successful program for families and children in the country.

NATURAL RESOURCES/ SUBSISTENCE

Subsistence, a way of life based on hunting, fishing, gathering and living off the land, is the cultural, economic and spiritual basis of life for rural Alaskans. Protecting subsistence resources continues to be the most frequently voiced concern of village people.

To help ensure the protection of natural resources and access to those resources by the village people whose way of life depends on them, RurAL CAP advocates for and provides information to local communities.

RurAL CAP also sponsors the Rural Alaska Resources Association. RARA monitors subsistence issues and provides a forum for discussion of these issues by the people whose livelihood is most dependent on them.

ALCOHOL/DRUG ABUSE PREVENTION

As alcoholism reaches near-epidemic proportions in rural Alaska, it continues to be the number one health problem in the state. Alcoholism and drug abuse are robbing strong and independent cultures of their self-respect, their identity and their ability to survive.

RurAL CAP believes that, ultimately, this crisis can only be resolved through the will and determination of village people. The Alcohol Program therefore provides motivation, information and new ideas that encourage Alaskan villages to develop and carry out their own community action against this crippling social disease.

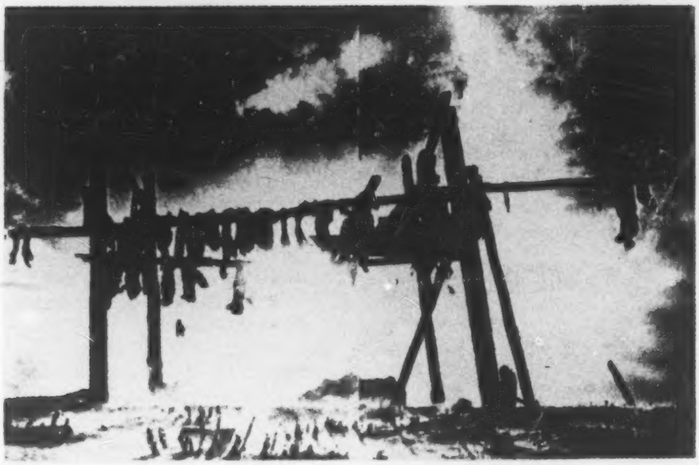
To assist local efforts in overcoming substance abuse, RurAL CAP maintains a statewide network of mutual support through monthly tele-conferences and newsletters. Technical assistance for community development is available through the Elder-Youth Project. These programs provide ways for villagers to share information and concerns.

ENERGY AND WEATHERIZATION

RurAL CAP's Energy and Weatherization Programs assist rural Alaskans in meeting their energy needs without welfare by providing direct services as well as community education.

Conservation efforts focus on weatherizing village homes and providing information on high efficiency light bulbs,

(continued on next page)



heating equipment and appliances. With superinsulation, new window coverings and other energy saving improvements, many rural homes can cut their energy consumption in half. This is an important step toward economic independence for villages burdened by some of the highest energy costs in the nation.

RurAL CAP also advocates on behalf of villages concerned with state energy issues and assists in the development of local energy plans. By sponsoring AREA, the Alaska Regional Energy Association, RurAL CAP helps coordinate and disseminate information on a wide range of energy problems and solutions.

VILLAGE COMMUNITY DEVELOPMENT

In addition to operating programs which address specific problem areas, RurAL CAP has the capacity to respond quickly to other rural issues as they arise through its Village Community Development Project.

The project encourages self-sufficiency and empowerment in rural areas by responding to new issues not being currently addressed. This is done through community organization, networking, advocacy, education and training.

For the past fourteen years, RurAL CAP has also sponsored the Village Participation Conference, the only event of its kind in which villagers from across Alaska come together to determine their own agenda, share information and create appropriate solutions to village concerns. As such, The VPC fits the RurAL CAP philosophy that the people of rural Alaska are their own best resource.

Photographs by Rob Stapleton

Tax-deductible contributions to RurAL CAP
can be made to the:

RurAL CAP Foundation
P.O. Box 200908
Anchorage, Alaska 99520

"SOVEREIGNTY" AND SOCIETY: HOW ARE THEY RELATED

REMARKS FOR THE RECORD BY DAVID S. CASE
BEFORE THE SENATE SELECT COMMITTEE ON INDIAN AFFAIRS

ON

THE AFN REPORT ON THE STATUS ON ALASKA NATIVES:
A CALL FOR ACTION

(HEARING: MARCH 3, 1989)

"SOVEREIGNTY," THE TERM IS A TROUBLING ONE FOR MANY ALASKANS AND PERHAPS MANY AMERICANS. THIS NATION WAS FORMED OUT OF A REBELLION AGAINST A "SOVEREIGN" AND WE ALL GROW UP WITH A HEALTHY SKEPTICISM ABOUT GOVERNMENT; SO, THE IDEA THAT THERE ARE SOME 500 "SOVEREIGN" INDIAN NATIONS WITHIN THE BORDERS OF THE UNITED STATES, CAN BE A FRIGHTENING PROSPECT TO SOME. IN ALASKA, THE SUGGESTION THAT ALASKA NATIVE TRIBES EXIST AND ARE "SOVEREIGN" CAN BRING POLITE SOCIAL CONVERSATION TO A CHILLY END.

PERHAPS WE SHOULD USE A DIFFERENT TERM, SOMETHING MORE INNOCUOUS, LIKE "SELF-GOVERNMENT." BUT THAT SEEMS TO SOME TO DIMINISH THE STATUS OF NATIVE GOVERNMENTS AND MANY NATIVE LEADERS PREFER TO DESCRIBE THEIR GOVERNMENTS AS SOVEREIGN, AND SO WILL I. WE SHOULD KEEP IN MIND, THOUGH, THAT UNDER FEDERAL LAW NATIVE SOVEREIGNTY IS A DISTINCTLY LIMITED SOVEREIGNTY. THE

ERA WHEN NATIVE SOVEREIGNTY MIGHT HAVE THREATENED THE POLITICAL INTEGRITY OF THE UNITED STATES IS LONG PAST. RATHER, IT IS THE STATES THEMSELVES WHICH THREATEN THE CULTURAL AND POLITICAL INTEGRITY OF THE INDIAN TRIBES. NOWHERE IS THAT MORE TRUE THAN ALASKA, WHERE, AS THE AFN REPORT NOTES:

> THE FUNDAMENTAL ISSUE CONFRONTING ALASKA NATIVES IS THE "STRUGGLE OF PREVIOUSLY SELF-SUFFICIENT INDIVIDUALS IN FAMILY UNITS TO ADJUST TO RAPID SOCIAL CHANGE LARGELY IMPOSED FROM OUTSIDE." IN THEIR VIEW, THE STRUGGLE TO ADJUST TO POLITICAL AND ECONOMIC SYSTEMS OVER WHICH NATIVES LIVING IN RURAL VILLAGES HAVE LITTLE REAL CONTROL, GENERATES FEELINGS OF HELPLESSNESS AND FRUSTRATION AND RESULTS IN DESTRUCTIVE BEHAVIOR, GENERALLY DIRECTED INTERNALLY OR TOWARD FAMILY AND FRIENDS.

AFN REPORT AT 64-65.

THE REPORT'S FIRST RECOMMENDATION IS THAT:

> POLICIES AND PROGRAMS MUST ENCOURAGE, BUILD AND REINFORCE THE SELF-HELP EFFORTS OF INDIVIDUALS, FAMILIES AND COMMUNITIES TO COMBAT ALCOHOLISM, INTERVENE IN AND PREVENT MENTAL HEALTH CRISES, PROTECT NATIVE CHILDREN FROM ABUSE AND NEGLECT AND TAKE INDIVIDUAL RESPONSIBILITY FOR INDIVIDUAL BEHAVIOR.

ID. AT 65. YOU WILL NOT SOLVE THESE PROBLEMS WITH MORE "HELP" FROM OUTSIDE THE VILLAGES. I DO NOT HAVE TO TELL YOU HOW BIG ALASKA IS, AND YOU PROBABLY ALL KNOW THAT THERE ARE SOME 200 VILLAGES SCATTERED ACROSS ITS VASTNESS. ABOUT 100 OF THOSE VILLAGES ARE ORGANIZED AS MUNICIPALITIES UNDER THE LAWS OF ALASKA, BUT THE REST ARE UNINCORPORATED AND LIKELY TO REMAIN SO. SINCE 1976, ONLY ONE VILLAGE HAS BEEN INCORPORATED AS A CITY IN ALASKA. THAT WAS ST. GEORGE IN THE PRIBILOF ISLANDS, WHICH WAS INCORPORATED IN PART TO BE ABLE TO USE THE CONGRESSIONALLY CREATED TRUST FUND WHICH FOLLOWED THE TERMINATION OF THE FUR SEAL HARVEST.

IN WESTERN ALASKA AND THE INTERIOR, THERE IS LITTLE OR NO INTEREST IN FORMING NEW MUNICIPAL GOVERNMENTS IN THE VILLAGES. IN FACT, THE FERVENT DESIRE OF MANY IN THESE VILLAGES IS TO DISSOLVE THEIR EXISTING MUNICIPAL GOVERNMENTS AND USE TRIBAL INSTITUTIONS. PEOPLE IN THESE VILLAGES PERCEIVE THAT THROUGH TRIBAL INSTITUTIONS, THEY WILL HAVE A DIRECT RELATIONSHIP TO THE FEDERAL GOVERNMENT. MORE IMPORTANT, THEY PERCEIVE THAT THEY CAN HAVE MORE EFFECTIVE CONTROL OVER THE INTERNAL AFFAIRS OF THEIR OWN COMMUNITIES. THE POWERS OF TRIBAL GOVERNMENTS MAY BE AMBIGUOUS IN SOME RESPECTS, BUT AT LEAST THEY ARE NOT LOCKED AWAY IN THE FOREIGN LANGUAGE OF A STATE STATUTE AND DEPENDENT ON THE STATE'S ATTORNEY GENERAL FOR INTERPRETATION.

NATIVE SOVEREIGNTY IN ALASKA IS IMPORTANT TO VILLAGES, NOT BECAUSE IT IS SEEN AS A MEANS TO BALKANIZE THE STATE AND DESTROY EFFECTIVE GOVERNANCE. IT IS IMPORTANT, RATHER, FOR VERY PRACTICAL AND IMMEDIATE REASONS. UNDER THE FEDERAL INDIAN CHILD WELFARE ACT (25 U.S.C. § 1901 ET. SEQ.), TRIBAL GOVERNMENTS ARE THE ONLY INSTITUTIONS WHICH CAN EFFECTIVELY DEAL WITH THE FOSTER CARE PLACEMENT OF AN ABUSED OR NEGLECTED CHILD.

WITHOUT TRIBAL GOVERNMENTS, THE STATE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF FAMILY AND YOUTH SERVICES (DFYS) WILL REMOVE CHILDREN FROM THE VILLAGES AND PLACE THEM IN DISTANT AND OFTEN NON-NATIVE FOSTER HOMES.

EFFECTIVE CHILD WELFARE SERVICES RUN BY THE VILLAGE CAN MEAN (AND HAS MEANT) THAT CHILDREN ARE PLACED IN NATIVE FOSTER CARE HOMES AND THEIR PLACEMENT OR ADOPTION IS DETERMINED MORE APPROPRIATELY BY NATIVE COURTS OR COUNCILS. YET, AT THE VERY MOMENT STATE COURTS BEGAN TO REFER ADOPTION AND CHILD WELFARE MATTERS TO TRIBAL COURTS, THE STATE SUPREME COURT HELD THAT TRIBES WOULD HAVE TO PETITION THE SECRETARY OF THE INTERIOR FOR SUCH AUTHORITY. IN A SIMILAR VEIN, THE STATE DOES NOT RECOGNIZE CUSTOMARY OR TRIBAL ADOPTIONS AND INSISTS ON CHARGING THE PARENTS OF CHILDREN WHO HAVE BEEN CULTURALLY ADOPTED BY THEIR AUNTS, UNCLES OR GRANDPARENTS FOR THE STATE'S WELFARE PAYMENTS TO THE CHILD. IF THE CHILD HAD BEEN ADOPTED IN STATE COURT PROCEEDINGS, HOWEVER, THERE WOULD BE NO SUCH PENALTY.

SIMILARLY, IN THE CASE OF LIQUOR CONTROL, THE FEDERAL INDIAN LIQUOR LAWS (18 U.S. § 1161) AFFORD NATIVE GOVERNMENTS A DIRECT AND IMMEDIATE MEANS OF ENFORCING THEIR OWN STRICT VALUES ON LIQUOR IN THE VILLAGE WITHOUT THREAT OF A STATE CONSTITUTIONAL OR OTHER LEGAL CHALLENGE. UNDER THE FEDERAL LIQUOR LAWS, TRIBES CAN PASS THEIR OWN ORDINANCES, HAVE THEM PUBLISHED IN THE FEDERAL REGISTER AND ENFORCE RESTRICTIONS AGAINST IMPORTATION AND POSSESSION OF LIQUOR THROUGH THE VILLAGE COUNCIL. OTHERWISE, UNDER THE STATE SYSTEM, THE COMMUNITY MUST FIRST CITE THE OFFENDER AND FOLLOW A JUDICIAL PROCEDURE THROUGH A DISTANT COURT TO IMPOSE ANY SANCTION. AS WITH ANY POLICE ACTION, IT LOSES MUCH OF ITS EFFECTIVENESS WITH THE PASSAGE OF TIME, ESPECIALLY IF IT IS PERCEIVED THAT THE REAL POWER IS OUTSIDE OF THE COMMUNITY. THREE VILLAGES IN ALASKA HAVE IMPLEMENTED THE FEDERAL LIQUOR LAWS, REPORTEDLY WITH GOOD SUCCESS. I HAVE NO DOUBT THERE WOULD BE MORE, WERE IT NOT FOR THE FACT THE INTERIOR DEPARTMENT'S POLICY HAS BEEN VACILLATING AND BEGRUDGING IN THIS AREA.

THERE MAY BE LEGITIMATE POLICY QUESTIONS ABOUT THE EXERCISE OF TRIBAL SOVEREIGNTY OVER SOME ISSUES IN ALASKA. THAT

IS PERHAPS MOST APPARENT WITH RESPECT TO FISH AND GAME. YET, I SUSPECT IF STATE POLICY WERE TO EVOLVE UNDER THE ANILCA SUBSISTENCE PREFERENCE TOWARD LESS REGULATION OF FISH AND GAME, THEN PERHAPS THIS WOULD BE LESS OF AN ISSUE BETWEEN THE STATE AND TRIBAL GOVERNMENTS. REGIONALIZED REGULATION THROUGH THE REGIONAL ANILCA "ADVISORY" COUNCILS MIGHT BE ANOTHER APPROACH TO THIS ISSUE.

IN ANY CASE, IT IS NOT NECESSARY TO RESOLVE THE QUESTIONS OF FISH AND GAME OR OTHER STATE REGULATORY AUTHORITY IN ORDER TO CONCLUDE THAT TRIBES CAN EXERCISE CONTROL OVER THEIR OWN CHILDREN AND LIQUOR IN THEIR COMMUNITIES AND OTHER TYPICAL INTERNAL MATTERS WITHOUT THREATENING THE JURISDICTION OF THE STATE OF ALASKA. AS IT IS, THE STATE HAS COMPLETE CRIMINAL JURISDICTION UNDER P.L. 280 OVER ALL "INDIAN COUNTRY" WITHIN ITS BORDERS AND THE AUTHORITY TO ADJUDICATE ANY CIVIL DISPUTE THAT ARISES IN INDIAN COUNTRY AS WELL. THE QUESTION OF EXACTLY WHAT CONSTITUTES INDIAN COUNTRY FOR REGULATORY PURPOSES IS A LEGITIMATE QUESTION, WHICH WILL HAVE TO BE ANSWERED, BUT IT DOES NOT NECESSARILY HAVE TO BE ANSWERED IN ORDER TO FURTHER EMPOWER NATIVE VILLAGES TO COMBAT ALCOHOL ABUSE, AND PROTECT

THEIR CHILDREN FROM ABUSE AND NEGLECT AS SUGGESTED IN THE AFN REPORT. IF THE VILLAGES DO NOT HAVE THESE OPTIONS, THEN I AM CONFIDENT THAT THE SENSE OF HELPLESSNESS AND HOPELESSNESS CHRONICLED IN THE AFN REPORT WILL CONTINUE FOR THE INDEFINITE FUTURE.

KASIGLUK ELDERS CONFERENCE
RESOLUTION 88-01
APRIL 13.14.AND 15.1988

BWHEREAS. AN INTERNATIONAL ORGANIZATION OF INUIT. KNOWN AS THE INUIT CIRCUMPOLAR CONFERENCE DEDICATED TO PROTECT AND ADVANCE INUIT RIGHTS AND INTERESTS ON THE INTERNATIONAL LEVEL. HAS BEEN CREATED BY A RESOLUTION UNANIMOUSLY ADOPTED ON JUNE 15.1977. IN BARROW. ALASKA AND.

WHEREAS. THE INUIT CIRCUMPOLAR CONFERENCE (ICC) IS THE INTERNATIONAL ORGANIZATION REPRESENTING ALL INUIT FROM ALASKA.GREENLAND AND CANADA.THE ICC CONTINUES TO ENCOURAGE THE ACTIVE PARTICIPATION OF THE SIBERIAN INUIT WITHIN THE ICC.

WHEREAS. INUIT MEANS INDIGENOUS MEMBERS OF THE INUIT HOMELAND.RECOGNIZED BYINUIT AS BEING MEMBERS OF THEIR PEOPLE.AND INCLUDES SUCH REGIONAL GROUPS AS INUPIAT. YUPIC(ALASKA/ RUSSIAN) INUIT. INUVIALUIT(CANADA) AND KALAALLIT.(GREENLAND) AND.

WHEREAS. THE ICC HAS ESTABLISHED AN INTERNATIONAL ELDERS CONFERENCE WHICH IS HELD CONCURRENTLY WITH THE ICC GENERAL ASSEMBLIES IN WHICH THE ELDERS DISCUSS AND REVIEW ALL OF ICC'S RESOLUTIONS AND HAVE DIRECT INPUT INTO THE ICC DECISSION MAKING PROCESS.

WHEREAS. ON APRIL 13. 1988. AT KASIGLUK ELDERS CONFERENCE (KASIGLUMI CUILIRNERET QUYURTELLRAT) REPORTED AND DEBATED UNASHAMEDLY REFLECTING THE INUIT VIEWS THAT THE RIGHT OF SELF-GOVERNMENT IS A BASIC POLITICAL RIGHT. THAT GOVERNMENT IS LEGITIMATE ONLY WHEN GROUNDED ON THE CONSENT OF THE GOVERNED. AND THAT GOVERNMENT THUS GROUNDED SHOULD NOT BE USED TO DENY LIFE. LIBERTY OR THE PURSUIT OF HAPPINESS. THAT INDIVIDUALS IN A SOCIETY HAVE THE INALIENABLE RIGHT TO BE FREE FROM GOVERNMENTAL VIOLATIONS OF THE INTEGRITY OF THE PERSON. TO ENJOY CIVIL LIBERTIES SUCH AS FREEDOM OF EXPRESSION. ASSEMBLY. RELIGION AND MOVEMENT. WITHOUT DISCRIMINATION BASED ON RACE. ANCESTRY. OR SEX AND TO CHANGE THEIR GOVERNMENT BY PEACEFUL MEANS.

WHEREAS. KASIGLUK ELDERS CONFERENCE FIND THAT THE CONCEPT OF ECONOMIC.SOCIAL AND CULTURAL RIGHTS OF THE INUIT IS OFTEN CONFUSED. SOMETIMES WILLFULLY BY REPRESSIVE GOVERNMENT OF THE UNITED STATES OF AMERICA AND RUSSIA CLAIMING THAT IN ORDER TO PROMOTE THESE RIGHTS. THEY MAY DENY THE INUIT THE RIGHT TO INTEGRITY OF THE PERSON AS WELL AS POLITICAL.CIVIL AND FIFTH AMENDMENTS OF THE INUIT IN ORDER TO PROMOTE THE EXPLOITATION OF OIL. GAS. AND OTHER MINERAL AND NATURAL RESOURCES IN THE HOMELAND OF THE INUIT.

WHEREAS. SINCE TIME IMMEMORIAL THE KASIGLUK ELDERS CONFERENCE WISHES TO DISSENT THE NOTION THAT INUIT TRIBES LOST THEIR SOVEREIGNTY THROUGH;

(1)DISCOVERY (2)CONQUEST
(3)CESSION (4)TREATIES
(5)STATUTES (6)COURT ORDER.
(7) TERRA NULLIIUS:AND

WHEREAS. KASIGLUK ELDERS CONFERENCE REFLECT THE INUIT VIEW UNASHAMEDLY THAT THERE EXIST A PROFOUND CONNECTION BETWEEN HUMAN RIGHTS AND ECONOMIC DEVELOPMENT:AND

WHEREAS. KASIGLUK ELDERS CONFERENCE REPORTED AND DEBATED UNASHAMEDLY REFLECTING THE UNITED STATES VIEW THAT THE ACT OF MARCH 3. 1875 CH 131 SECTION 15-16. 18 STAT 402. 420 (REPEALED 1976) (FORMERLY CODIFIED AT 43 U.S.C. 189 (1976) (STILL VALID FOR PRE-REPEAL PATENTS) ENTITLED INDIANS WHO ABANDONED THEIR TRIBAL RELATIONS TO CLAIM PUBLIC DOMAIN HOMESTEADS UNDER THE GENERAL HOMESTEAD LAWS. SUCH LANDS WERE TO BE RESTRICTED FOR FIVE YEARS. THE ABANDONMENT REQUIREMENT COULD STILL RAISE QUESTIONS ABOUT THE STATUS OF THESE LANDS. BUT IT IS PROBABLE THAT NO SUCH PARCELS REMAIN IN RESTRICTED STATUS TODAY. MORE SIGNIFICANT WAS THE ACT OF JULY 4. 1884. CH 180 SECTION 1, 23 STAT 76 (REPEALED 1976) (FORMERLY CODIFIED AT 43 USC SECTION 190 (1976) (STILL VALID FOR PRE-REPEAL PATENTS) WHICH ENTITLES ANY INDIAN TO UTILIZE THE HOMESTEAD LAWS TO OBTAIN LAND. AND REQUIRED THAT PATENTS SO OBTAINED BE PLACED IN A 25 YEAR RESTRICTED STATUS ALMOST IDENTICAL TO THAT OF THE GENERAL ALLOTMENT ACT. 25 U.S.C. 348. CF.25 U.S.C. 335 (EXTENDING PROVISIONS OF THE FEDERAL ALLOTMENT LAWS TO LANDS PURCHASED UNDER AUTHORITY OF CONGRESS FOR INDIVIDUAL INDIANS.) THIS STATUTE APPLIED TO THE GENERAL HOMESTEAD LAWS AND TO NUMEROUS SPECIAL LAWS. AFTER ALL INDIANS WERE MADE CITIZENS IN 1924. SEE CH 12 SEC. A. INFRA. AN INDIAN HOMESTEADER COULD PRESUMABLY OBTAIN EITHER A FEE HOMESTEAD AS A UNITED STATES CITIZEN OR A TRUST HOMESTEAD UNDER THE 1884 STATUTE BECAUSE OF INDIAN STATUS. HOWEVER. THE NATURE OF THE FEDERAL TRUST RELATIONSHIP SUGGESTS THAT THE 1884 ACT PRESUMPTIVELY APPLIED TO

TRIBAL INDIANS SEEKING HOMESTEADS UNLESS A CLEAR INTENT TO REQUEST A FEE PATENT BE TRIBAL U.S.C. 412 (A) (PROVIDING FOR TRUST STATUS FOR HOMESTEADS PURCHASED WITH RESTRICTED FUNDS.);AND

WHEREAS, THE KASIGLUK ELDERS CONFERENCE FULLY AGREES WITH THE SECRETARY OF INTERIOR DONALD PAUL HODEL IN HIS LETTER TO JAMES C. MILLER, III, CONCERNING H.R. 278 THE "ALASKAN NATIVE CLAIMS SETTLEMENT ACT AMENDMENTS OF 1987." WHICH STATED;

"I MOST STRONGLY URGE THE PRESIDENT TO VETO THIS MEASURE, IT IS A VERY BAD BILL. THE FLAWS OF H.R. 278 ARE SO NUMEROUS AND FARREACHING THAT CAREFUL SCRUTINY OF ITS COMPLEX PROVISIONS IS REQUIRED. THIS MEMORANDUM, WHILE LENGTHY, DEALS ONLY WITH THE MOST SERIOUS OF OUR OBJECTIONS, ANY ONE OF WHICH WOULD WARRANT VETO AND ALL OF WHICH, TAKEN TOGETHER, COMPEL THE CONCLUSION, IN MY OPINION, THAT VETO IS A NECESSITY IF THE FUNDAMENTAL PRINCIPLES OF THIS ADMINISTRATION ARE TO BE PRESERVED.";AND

WHEREAS; UNDER THE SUMMARY OF HIS REASONS THE SECRETARY OF INTERIOR FURTHER STATES;

"UNDER THE "JUST COMPENSATION" CLAUSE OF THE FIFTH AMENDMENT TO THE CONSTITUTION, THE BILL WOULD EFFECT A COMPENSABLE "TAKING" OF PROPERTY RIGHTS BECAUSE OF ITS MULTIPLE DEPRIVATION OF THE RIGHTS OF INDIVIDUAL SHAREHOLDERS OF ALASKA NATIVE CORPORATIONS. THE FINANCIAL LIABILITY OF THE FEDERAL GOVERNMENT COULD BE ENORMOUS. ON THE OTHER HAND, IF THE BILL'S ATTEMPT TO FORBID SUCH FEDERAL LIABILITY IS EFFICACIOUS, THE CRITICLE PROVISIONS OF H.R. 278 WOULD BE CONSTITUTIONALLY IMPERMISSABLE BECAUSE THEY WOULD EFFECT A "TAKING" WITHOUT JUST COMPENSATION.";AND

WHEREAS, MR. PRESIDENT, THE NET RESULT OF THE FEDERAL LAND PLAN MANAGEMENT AND POLICY ACT OF 1976 AND THE ALASKA LAND CLAIMS SETTLEMENT ACT AMENDMENTS OF 1987 IS DICTUM AND IS IN DIRECT VIOLATION OF WHAT THE SUPREME COURT STATED IN " THE KANSAS INDIANS " CASE "THAT A TRIBE ITSELF CAN END ITS LEGAL EXISTANCE BY A VOLUNTARY ABANDONMENT OF ITS TRIBAL ORGANIZATION"(72 U.S.(5 WALL) 737,757 (1867),HAS EXPOSED YOUR OFFICE TO THE INTERNATIONAL INSTRUMENT OF THE CONVENTION ON THE PREVENTION AND THE PUNISHMENT OF THE CRIME OF GENOCIDE;AND

WHEREAS, YOUR STAFF HAS BEEN MISINFORMED OF YOUR POLICY, MR PRESIDENT, IN WHICH YOU STATED: "WHEN EUROPEAN COLONIAL POWERS BEGAN TO EXPLORE AND COLONIZE THIS LAND, THEY ENTERED INTO TREATIES WITH INDIAN TRIBES ON A GOVERNMENT TO GOVERNMENT BASED THROUGHOUT OUR HISTORY, DESPITE PERIODS OF CONFLICTS AND SHIFTING NATIONAL POLICIES IN INDIAN AFFAIRS. THE GOVERNMENT TO GOVERNMENT RELATIONSHIPS BETWEEN THE UNITED STATES AND THE INDIAN TRIBES HAS ENDURED. THE CONSTITUTION, TREATIES, LAWS AND DECISIONS HAVE CONSISTENTLY RECOGNIZED A UNIQUE POLITICAL RELATIONSHIP BETWEEN INDIAN TRIBES AND UNITED STATES WHICH THIS ADMINISTRATION PLEDGES TO UPHOLD.";AND

WHEREAS; THE UNITED STATES IN ACCORDANCE WITH THE TRUSTEESHIP AGREEMENT, THE UNITED NATIONS CHARTER AND THE OBJECTIVES OF THE INTERNATIONAL TRUSTEESHIP SYSTEM, HAS PROMOTED THE DEVELOPMENT OF THE PEOPLES OF THE TRUST TERRITORY TOWARD SELF-GOVERNMENT OR INDEPENDENCE AS APPROPRIATE TO THE PARTICULAR CIRCUMSTANCES OF THE TRUST TERRITORY AND ITS PEOPLES AND THE FREELY EXPRESSED WISHES OF THE PEOPLE CONCERNED;AND

WHEREAS; THE KASIGLUK ELDERS CONFERENCE SEEK OF THE PRESIDENT OF UNITED STATES OF AMERICA RONALD W. REAGAN, THE SECRETARY OF THE INTERIOR, DONALD PAUL HODEL AND IN CONSULTATION WITH SECRETARY OF STATE GEORGE SCHULTZ, TO INTRODUCE AND IMPLEMENT 43 U.S.C. 1681;AND

BE IT FINALLY RESOLVED THAT PRESIDENT RONALD W. REAGAN SUBMIT TO THE CONGRESS A COMPACT OF FREE ASSOCIATION FOR THE ARCTIC TERRITORY AND THAT THE KASIGLUK ELDERS CONFERENCE HOST THE CONFERENCE SET FORTH UNDER SEC. 303 OF PUBLIC LAW 99-239 JANUARY 14, 1986.COMPACT OF FREE ASSOCIATION ACT OF 1985.

THE FOLLOWING PREAMBLE AND ARTICLES WILL BE THE INITIAL AGENDA OF THE CONFERENCE, PURSUANT TO TITLE II OF PUBLIC LAW 99-239 JAN 14, 1986, 99 STAT.1772

COMPACT OF FREE ASSOCIATION

PREAMBLE

THE GOVERNMENT OF THE UNITED STATES OF AMERICA, THE GOVERNMENT OF CANADA, THE GOVERRNMENT OF DENMARK, THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS, THE GONERNMENT OF JAPAN; AND THE GOVERNMENT OF THE ARCTIC TERRITORY:

AFFIRMING THAT THEIR GOVERNMENTS ARE FOUNDED UPON RESPECT FOR THE HUMAN RIGHTS AND FUNDEMENTAL FREEDOMS FOR ALL,AND THAT THE INUIT OF THE ARCTIC TERRITORY HAVE THE RIGHT TO EMPLOY SELF GOVERNMENT,AND

AFFIRMING THE COMMON INTEREST OF THE UNITED STATES OF AMERICA, CANADA, DENMARK,UNION OF SOVIET SOCIALIST REPUBLICS,JAPAN AND THE INUIT OF THE ARCTIC TERRITORY IN CREATING CLOSE AND MUTUALLY BENEFICIAL RELATIONSHIPS THROUGH FREE AND VOLUNTARY ASSOCIATION OF THEIR RESPECTIVE GOVERNMENTS, AND

AFFIRMING THE INTEREST OF THE GOVERNMENTS UNITED STATES,CANADA, DENMARK UNION OF SOVIET SOCIALIST REPUBLICS AND JAPAN IN PROMOTING THE ECONOMIC ADVANCEMENT AND SELF-SUFFICIENCY OF THE INUIT OF THE ARCTIC TERRITORY, AND

RECOGNIZING THAT THEIR PREVIOUS RELATIONSHIPS HAS BEEN BASED ON THE INTERNATIONAL TRUSTEESHIP SYSTEM OF THE UNITED NATIONS CHARTER, AND IN PARTICULAR ARCTICLE 76 OF THAT CHARTER, AND THAT PURSUANT TO ARTICLE 76, THE INUIT OF THE ARCTIC TERRITORY HAVE PROGRESSIVELY DEVELOPED THEIR INSTITUTIONS OF SELF GOVERNMENT; AND THAT IN THE EXCERCISE OF THEIR SOVEREIGNTY AND SELF DETERMINATION THEY HAVE,THROUGH THEIR FREELY EXPRESSED WISHES, ADOPTED A CHARTER APPROPRIATE TO THEIR PARTICULAR CIRCUMSTANCES,AND

RECOGNIZING THEIR COMMON DESIRE TO TERMINATE THE TRUSTEESHIP AND ESTABLISH A NEW GOVERNMENT TO GOVERNMENT RELATIONSHIP EACH OF WHICH IS IN ACCORDANCE WITH A NEW POLITICAL STATUS BASED ON THE FREELY EXPRESSED WISHES AS INUIT OF THE ARCTIC TERRITORY. ,AND

RECOGNIZING THAT THE INUIT OF THE ARCTIC TERRITORY HAVE THEIR SOVEREIGNTY AND THEIR SOVEREIGN RIGHT TO SELF DETERMINATION,AND THE INHERENT RIGHT TO ADOPT AND AMEND THEIR CHARTER, AND THAT THE APPROVAL AND ENTRY OF THEIR RESPECTIVE GOVERNMENTS INTO THIS COMPACT OF FREE ASSOCIATION BY THE INUIT OF THE ARCTIC TERRITORY CONSTITUTES AN EXCERCISE OF THEIR SOVEREIGN RIGHT TO SELF-DETERMINATION,

NOW THEREFORE, AGREE TO ENTER INTO A RELATIONSHIP OF FREE ASSOCIATION WHICH PROVIDES A FULL MEASURE OF SELF GOVERNMENT FOR THE INUIT OF THE ARCTIC TERRITORY,AND FURTHER AGREE THAT THE RELATIONSHIP OF FREE ASSOCIATION DERIVES AND IS SET FORTH IN THIS COMPACT, AND THAT DURING SUCH RELATIONSHIP OF FREE ASSOCIATION THE RESPECTIVE RIGHTS AND RESPONSIBILITIES OF THE GOVERNMENTS OF THE UNITED STATES ,CANADA, DENMARK, UNION OF SOVIET SOCIALIST REPUBLICS,JAPAN AND THE GOVERNMENTS OF FREE ASSOCIATION OF THE ARCTIC TERRITORY ARE MAINTAINED.

DONE AT NEW YORK CITY, NEW YORK, UNITED STATES OF AMERICA, THE 12TH DAY OF OCTOBER ,1992 FOR THE GOVERNMENT OF THE UNITED STATES.

DONE AT OTTAWA, CANADA, THE 12TH DAY OF OCTOBER , 1992 , FOR THE GOVERNMENT OF CANADA.

DONE AT COPENHAGEN, DENMARK ,THE 12TH DAY OF OCTOBER, 1992 , FOR THE GOVERMENT OF DENMARK.

DONE AT MOSCOW, UNION OF SOCIALIST SOVIET REPUBLICS,THE 12TH DAY OF OCTOBER, 1992, FOR THE UNION OF SOCIALIST SOVIET REPUBLIC.

DONE AT TOKYO, JAPAN, THE 12TH DAY OF OCTOBER, 1992, FOR THE GOVERNMENT OF JAPAN.

DONE AT BARROW, ARCTIC, THE 12TH DAY OF OCTOBER, 1992,FOR THE INUPIAQ OF THE ARCTIC.

DONE AT KASIGLUK AND PROVIDENIA,, ARCTIC, THE 12TH DAY OF OCTOBER, 1992 FOR THE YUPIC OF THE ARCTIC.

DONE AT NUUK, ARCTIC, THE 12TH DAY OF OCTOBER, 1992 FOR THE KALAALLIT OF THE ARCTIC.

DONE AT KUUJJUAQ, ARCTIC, THE 12TH DAY OF OCTOBER, 1992, FOR THE INUIT OF THE ARCTIC.

TITLE II-COMPACT OF FREE ASSOCIATION PERSUANT TO 99 STAT.1772PUBLIC LAW 99-239-
JAN.14, 1986 SEC. 201. COMPACT OF FREE ASSOCIATION.

TITLE ONE-GOVERNMENTAL RELATIONS
ARTICLE I-SELF-GOVERNMENT.
ARTICLE II-FOREIGN AFFAIRS.
ARTICLE III-COMMUNICATIONS.
ARTICLE IV-IMMIGRATION.
ARTICLE V-REPRESENTATION.
ARTICLE VI-ENVIRONMENTAL PROTECTION.
ARTICLE VII-GENERAL LEGAL PROVISIONS.

TITLE TWO-ECONOMIC RELATIONS
ARTICLE I-GRANT ASSISTANCE.
ARTICLE II-PROGRAM ASSISTANCE.
ARTICLE III-ADMINISTRATIVE PROVISIONS.
ARTICLE IV-TRADE.
ARTICLE V-FINANCE AND TAXATION.

TITLE THREE- SECURITY AND DEFENSE RELATIONS
ARTICLE I-AUTHORITY AND RESPONSIBILITY.
ARTICLE II-DEFENSE FACILITIES AND OPERATING RIGHTS.
ARTICLE III-DEFENSE TREATIES AND INTERNATIONAL SECURITY AGREEMENTS.
ARTICLE IV-SERVICE IN ARMED FORCES OF THE UNITED STATES
ARTICLE V-GENERAL PROVISIONS

TITLE FOUR-GENERAL PROVISIONS
ARTICLE I-APPROVAL AND EFFECTIVE DATE.
ARTICLE II-CONFERENCE AND DISPUTE RESOLUTION
ARTICLE III-AMENDMENT.
ARTICLE IV-TERMINATION.
ARTICLE V-SURVIVABILITY.
ARTICLE VI-DEFINITION OF TERMS
ARTICLE VII-CONCLUDING PROVISIONS.

SECTION 202 JURISDICTION.

Public Law 100-606
100th Congress

An Act

To implement the International Convention on the Prevention and Punishment of Genocide.

Nov. 4, 1988
[S. 1851]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Genocide Convention Implementation Act of 1987 (the Proxmire Act).
18 USC 1091 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Convention Implementation Act of 1987 (the Proxmire Act)".

SEC. 2. TITLE 18 AMENDMENTS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 50 the following:

"CHAPTER 50A—GENOCIDE

"Sec.
1091. Genocide.
1092. Exclusive remedies.
1093. Definitions.

"§ 1091. Genocide

"(a) BASIC OFFENSE.—Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

"(1) kills members of that group;

"(2) causes serious bodily injury to members of that group;

"(3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;

"(4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;

"(5) imposes measures intended to prevent births within the group; or

"(6) transfers by force children of the group to another group;

or attempts to do so, shall be punished as provided in subsection (b).

"(b) PUNISHMENT FOR BASIC OFFENSE.—The punishment for an offense under subsection (a) is—

"(1) in the case of an offense under subsection (a)(1), a fine of not more than $1,000,000 and imprisonment for life; and

"(2) a fine of not more than $1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

"(c) INCITEMENT OFFENSE.—Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than $500,000 or imprisoned not more than five years, or both.

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed within the United States; or

"(2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

"(e) Nonapplicability of Certain Limitations.—Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.

"§ 1092. Exclusive remedies

"Nothing in this chapter shall be construed as precluding the application of State or local laws to the conduct proscribed by this chapter, nor shall anything in this chapter be construed as creating any substantive or procedural right enforceable by law by any party in any proceeding.

"§ 1093. Definitions

"As used in this chapter—

"(1) the term 'children' means the plural and means individuals who have not attained the age of eighteen years;

"(2) the term 'ethnic group' means a set of individuals whose identity as such is distinctive in terms of common cultural traditions or heritage;

"(3) the term 'incites' means urges another to engage imminently in conduct in circumstances under which there is a substantial likelihood of imminently causing such conduct;

"(4) the term 'members' means the plural;

"(5) the term 'national group' means a set of individuals whose identity as such is distinctive in terms of nationality or national origins;

"(6) the term 'racial group' means a set of individuals whose identity as such is distinctive in terms of physical characteristics or biological descent;

"(7) the term 'religious group' means a set of individuals whose identity as such is distinctive in terms of common religious creed, beliefs, doctrines, practices, or rituals; and

"(8) the term 'substantial part' means a part of a group of such numerical significance that the destruction or loss of that part would cause the destruction of the group as a viable entity within the nation of which such group is a part.".

(b) Clerical Amendment.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 50 the following new item:

"50A. Genocide .... 1091".

Approved November 4, 1988.

LEGISLATIVE HISTORY—S. 1851 (H.R.

Tlingit and Haida Tribal Status

A Report of the

Central Council of the Tlingit and Haida
Indian Tribes of Alaska

February, 1989

by

Charles W. Smythe, Ph.D.

In Association with
John Hope

Tlingit and Haida Political Organization

There are many references to Tlingit and Haida tribes and chiefs in the accounts by European explorers, fur traders, military men, and observers who entered southeast Alaska in the eighteenth and nineteenth centuries. Scientific investigations by ethnological observers and anthropologists in the late nineteenth and twentieth centuries established that tribal designations were references to localized groups or subdivisions of the Tlingit and Haida people. Although anthropologists occasionally use the term 'tribe' in descriptions of traditional Tlingit and Haida societies, it is used as a general term to refer to regional village groups. In anthropological terms, the Tlingit and Haida clans were the basic units of political, social, and ceremonial life.

> Although we may speak of tribes among the Tlingit, these were traditionally only geographic groups, not political units. The Sitkans, or members of a similar group, might consider themselves to be distinguished from the inhabitants of other towns through local customs or manner of speech, but their true allegiances were to their several clans, which were the real units of Tlingit political, social, and ceremonial life. Each tribe or town contained several clans or segments of clans, relationships between which were not always friendly.
> (de Laguna 1988:60)

There were 13 of these geographic groups into which the Tlingit were divided, each inhabiting an identified region and sharing residence in one or more communities, intermarrying, and remaining at peace (Langdon 1987:61). It is these groups which have often been referred to as 'tribes,' although anthropologically political unity was at the clan level. As will be described below, there was also regular social, economic, political, and ceremonial interaction among different clans and clan segments at the village level and occasionally uniting clan groups from different regions. It is important to note that the existence of the tribal subdivisions has been observed consistently throughout the historical period. "There has been a remarkable constancy in the identity of these tribes, the location of the principal villages of each and the approximate boundaries of their territories from the first reliable identifications made by the Russian missionary Father Veniaminov in 1835, through the observations and investigations of many scholars and travelers, to the investigations of Goldschmidt and Haas in 1946" (Rogers 1960:182).

The complex clan structures of Tlingit and Haida societies are a salient characteristic of these groups. Through membership in a clan, one gained the right to use and inherit clan property which was essential to social life and economic survival. Clan membership was matrilineal; and individuals had to marry outside of their own clan. In addition, Tlingit and

Haida clans belonged to one of two moieties or opposite sides. Known as Ravens or Wolves (or Eagles in the north), the sides inter-married and performed ceremonial services for each other. No other functions were performed by opposite sides, nor did they ever meet as social or political units. The clan was composed of one or more matrilineal lineages; the members of each lineage would be associated with a tribal house in the community. Lineage members were family groups comprised of sets of brothers and their wives and children, who lived together as a house-group. Each house-group functioned as a social and economic unit. The head of a lineage was known as "the master of the house," and the head of the most important lineage was the clan chief or "great man." The clan chief, in association with the heads of less important houses, constituted the council of chiefs which administered the affairs of the local clan (de Laguna ibid.; Oberg 1973:23-54).

The clan owned the most important property including hunting territory, fishing grounds, salmon streams, clan crests, ceremonial clothing and artifacts, shamanistic practices, names, songs, stories, and trading routes. A well-developed system of property rights and inheritance identified which family groups owned specific sites and tracts of land and who had access to clan land and property.[1] This property was administered by the chief on behalf of the clan; he was the steward and responsible for its protection, use and upkeep. The clan chief, in consultation with the council, would decide when salmon streams could be used or when to hold the complex, competitive memorial feasts at which the clan's crests and other ceremonial property would be displayed. They would organize war parties to defend against incursions into clan territory, and launch attacks against other groups. Often the chief would trade on behalf of the clan.

At a minimum, a village was comprised of two lineage groups from opposite sides. If the lineage expanded substantially in size, smaller "daughter lineages" would form additional house groups in the community. Sometimes the branch lineages became identified as separate clans. The larger communities held several clans or clan segments (lineages) of varying size and importance. Although there was no formal organization of clans into a larger political unit, each clan group functioned in association with the others in the community. Thus, the tribal areas identified with the 13 traditional groups mentioned above were comprised of the territories belonging to the clans residing together in the principal village and any smaller communities in the area. Under Tlingit and Haida property law, marriage provided access to clan lands and sites for members of the inter-marrying families. Family ties, shared use of land, reciprocal ceremonial relationships, and other practices served to unite the "tribal" groups, and link members of different groups in a larger unity.

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[1] This complex system of property rights was acknowledged and described in the judgement of the Tlingit and Haida claims (Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Opinion pp. 4-5, 49-52).

This tribal relationship is evidenced in relationships between clans from different territories. Although Tlingit and Haida persons belonged to localized clan groupings as described above, it was possible for members of one group to call upon members of another for assistance and to initiate cooperative action. An example of this was reported in 1804 by Lisiansky, who learned that a message requesting assistance from the Angoon people was sent by the Sitkans during Baranof's raid in which he re-established Russian possession of the Sitka fort (see de Laguna 1960:146-49; Krause 1956:33). It is likely that this appeal was made through a family or clan relationship, and such an appeal would invoke a social obligation to defend the clan as a whole against an outside hostility, in this case an attack by Russian troops. In part, it would be a matter of honor for the more distant lineage to respond with assistance, since an attack on any segment of the clan is a grievance on the clan as a whole. Niblack (1970:310) also reports the formation of temporary alliances between villages based on clan relationships "for mutual benefit or protection," which he notes is in contrast to the more typical "clannish feeling" that normally discouraged inter-village relationships.[2]

The tribal relationship among different clans, and between members of different communities, was based on a shared set of customs of the Tlingit people. Family ties, a common language and kinship system, occupation of contiguous tracts of land, trade, alliance and warfare, and many other characteristics and practices united the Tlingit into a common identity. An awareness of this identity as Tlingit people is evident in the historical record. The sharing of these characteristics present something of the aspect of a "nation." This common identity or nationhood was noticed by the Russians, who referred to the Tlingit as 'Koloshi,' irrespective of their clan or territorial affiliation.

Tlingit and Haida Tribal Land Claims

The social and cultural life of the Tlingit and Haida Indians continued without the imposition of another authority until the late 19th century. Contacts with explorers and traders during the late 18th and 19th centuries occurred as ships plied the waters of southeast in search of trade. At the few Russian trading posts, traders largely depended upon the Tlingit to come to them and initiate trade. The Tlingit and Haida, always adept at trade, favored the relationships, and the new trade introduced additional ways to accumulate wealth and prestige through hunting and trapping. The Russian administration did not alter the traditional sociopolitical control of Tlingit groups, or the exclusive Tlingit and Haida use and occupancy of all the lands in southeast Alaska. Even with the sometimes forceful establishment of small trading posts, the Russians did not seek to impose their jurisdiction on their Indian neighbors.[3] A similar practice of non-intervention followed under the American flag for 15-20 years after the purchase of Alaska in 1867.[4]

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[2] The tribal relationship among members of different clans has received formal recognition in the federal courts in the Klukwan artifacts case. In this case, the proposed sale of clan artifacts has been challenged by members of other clans in the community, on the basis that the community as a whole would suffer if the artifacts were to leave the village permanently. The relationship between clans from opposite sides would be disrupted because, without the availability of the crest objects for use and display in ceremonials, traditional ceremonies would be curtailed and reciprocal ceremonial obligations between different clans could not be enacted.

Shortly following the transfer of Alaska to the United States, the Tlingit people organized as a whole to express their objection to the transfer. As reported in 1869 by a special agent of the Treasury Department, councils of tribal chiefs convened in Sitka at which protests were voiced about the transfer (Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Finding of Fact No. 66, pp.80-81). The chiefs did not approve of the transfer because Alaska was sold without their consent, and the Territory still belonged to them. They felt the Russians had resided in the area with their consent, unlike the new American administration. The report of these meetings by an agent of the federal government provides the first record of councils of Tlingit tribal chiefs, as representatives of local clan groups, meeting together and protesting against incursions into Tlingit territory.

Commencing in the late 1870's, mining and commercial fishing opportunities attracted individuals and enterprises into the region. By the turn of the century, this activity resulted in substantial disruptions to the traditional settlement patterns and social organization of the Tlingit and Haida people. Fishing, mining, logging, and other industries started to develop in areas which had previously been exclusively in the possession of traditional Indian groups.

> By 1889, 11 sawmills and 36 salmon canneries were in operation in southeast Alaska. Fishing stations were located by whites at every point affording a good supply of fish. As a result of this activity, the Indians were having a difficult time securing enough fish for their own use, game was largely frightened away, and there was little work for the Indians in the canneries which imported Chinese workmen. In 1890 the Indians of southeastern Alaska secured the services of an attorney who wrote to the President concerning their problems. From then on the Indians made claims and protests over their treatment and the rapidly diminishing state of their land and water holdings. They

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[3] These points were reported as findings of fact in the Tlingit and Haida claims suit: see Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Finding of Fact Nos. 18, 54-57, pp. 41-42, 66-68.

[4] Exceptions were the instances of bombardment of Tlingit villages, which caused severe, if temporary, localized disruptions of communities. During their administration of Alaska, the U.S. military destroyed several Tlingit villages in reprisal for Indian attacks on white settlers, without recognizing that the Indian actions were consistent with Tlingit law which required payment and even death, in equal measure, as just compensation for hostile acts.

> finally asked that they be given a reservation and the protection of the Government. There was little official response to repeated protests and requests for help and the official policy of the Government seemed to have been to ignore the claims of these Indians arising from the aboriginal use and occupancy of southeastern Alaska and instead to create a situation in which the Indians would be forced to assimilate into the white man's society and system of property ownership. (ibid.:21)

Increases in non-Native settlement were supported by the Organic Act of 1884 (expanded in 1900) which provided a civil government to Alaska but, more significantly to the Indian population, created a means by which immigrants could acquire title to traditional clan lands (ibid.:85-109). The trend continued with other federal land legislation and Presidential proclamations providing for town sites and industrial sites (1891), the cutting of timber (1891), prohibiting Native fish traps (1897), extending the Homestead Act to Alaska (1898), and creating the Metlakatla Reservation (1891), the Tongass National Forest (1902 and 1909), and Glacier Bay National Park (1921).

The restrictions on access to traditional territories and subsistence sites, and particularly the decline in the salmon runs before the turn of the century, were major sources of disruption to Tlingit and Haida groups and resulted in the movement of people from outlying settlements into the principal villages of each region, most of which remain inhabited today. As described in the quotation given above, protests and objections to the activities of fishing, mining, and timber interests were made by Tlingit and Haida chiefs to governmental officials, including the President. The protests and claims were often undertaken by councils of chiefs representing large portions of the Tlingit and Haida people. In 1899, for example, a delegation of eight chiefs addressed the Territorial Governor on behalf of the loss of salmon waters, fur-trapping areas, fishing streams, hunting areas, and other lands. These chiefs represented clans from the Stikine, Taku, Hoonah, and Juneau (Auk) tribes. Acting singly and in groups, Tlingit and Haida chiefs continually sought protection from the incursions of new settlers before and after the turn of the century. For more discussion of historical events in this period which brought fundamental changesto the Tlingit and Haida culture and economy, see Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Finding of Fact Nos. 96-102, pp. 109-119.

In 1912, in part as a response to these changing conditions in southeast Alaska, Tlingit, Haida, and Tsimshian Indians formed an organization to improve conditions and further "progress" among the Indians. Although the avowed goal of the Alaska Native Brotherhood was acculturation, an important subsidiary goal was Indian rights. These goals received widespread support and approval from the Tlingit and Haida, who joined the organization "almost to a man, and the auxiliary, the Alaska Native Sisterhood, almost to a woman" (Drucker 1965:223). The Alaska Native Brotherhood (ANB) and Sisterhood (ANS) became the first formal organizations of all Tlingit and Haida people. The ANB and ANS formed local chapters, called camps, in each community. Recognition of Alaska Native voting rights and abolition of a dual school system were among the early issues contended by the organizations.

In 1929, the ANB voted to pursue Tlingit and Haida land claims against the federal government. A resolution was passed to secure a jurisdictional act permitting the group to bring a lawsuit in the U.S. Court of Claims. This effort succeeded in 1935, when the Act of June 19, 1935 (49 Stat. 388), Relating to the Tlingit and Haida Indians of Alaska, was passed by Congress authorizing the Tlingit and Haida Indians to bring suit against the United States in the U.S. Court of Claims. This act identified the Tlingit and Haida Indians of Alaska as "all those Indians of whole or mixed blood of the Tlingit and Haida Tribes who are residing in ... the Territory of Alaska." The act authorized the Indians to bring claims "for lands or other tribal or community property rights taken from the Tlingit and Haida Indians by the United States without compensation," for the lack of compensation for such property or property rights appropriated by the United States for its own uses without consent, and for the government's failure or refusal to protect the claimants' interest in such property. Other sections of the Act also contained references to tribes and tribal communities of the Tlingit and Haida. The language of the Act was explicit that the federal government would be conducting transactions with tribal entities, and with a central council in particular that would represent all the Tlingit and Haida people. Section 7 required that "each tribal community shall prepare a roll of its tribal membership, which roll shall be submitted to a Tlingit and Haida central council for its approval." The Act also mandated that a Tlingit and Haida central council prepare a combined roll of members of all tribal communities.

In 1939, the ANB and ANS passed a resolution to form an executive committee that would serve in the capacity of the central council required in the Act, and to constitute each camp as the "tribal community" referred to in Section 7. The Department of Interior (DOI) rejected this action because the ANB/ANS organizations were seen as "non-tribal intermediaries" which were not coextensive with the Tlingit and Haida Tribes. The principal objection was that membership in the ANB was not limited to Tlingit and Haida Indians. The DOI wrote that a delegation of authority to the proposed ANB/ANS executive committee would be contrary to the best interests of the Tlingit and Haida people, since these organizations were not "truly representative of all the members of the Tlingit and Haida Tribes" (Letter from Oscar L. Chapman to William L. Paul, June 13, 1940). After rejecting the ANB/ANS resolution, the DOI provided acceptable procedures for organizing the central council.

In this communication, the federal government made explicit their intent to deal directly with the "Tlingit and Haida Tribes," thereby providing tribal recognition to the Tlingit and Haida people and the mandated central council. Oscar Chapman, Assistant Secretary of the Interior, responded that it would be inappropriate to empower ANB/ANS to select and employ an attorney to pursue the case because, in part, "Our policy in matters of this nature is to require that contracts which contemplate the rendition of legal services in behalf of an Indian Tribe be made, not with some non-tribal intermediary, but between the tribe and the attorney as principals" (ibid.). His letter also states that the jurisdictional act does not contemplate claims brought by individuals, but only those which involve tribal or communal property rights. "We think it is clear, therefore, that the jurisdictional act authorizes the Tlingit and Haida Indian Tribes to institute suits in the Court of Claims only for amounts claimed and due the tribes as tribal claims. The jurisdictional act does not give the court jurisdiction to hear and determine the legal and equitable claims of individual Indians."

In this letter of June 13, 1940, Oscar L. Chapman indicated that southeastern villages that have organized and adopted constitutions under the Indian Reorganization Act of 1934 (48 Stat. 984), as amended for Alaska in 1936 (49 Stat. 1205), "will be recognized by the Department as being the proper authority" to select members of the Tlingit and Haida Claim Committee, which in turn will select and employ an attorney on behalf of the tribe. In a subsequent letter, this instruction was modified to ensure that uniform procedures would be followed in all communities with Tlingit and Haida residents, since some of the communities were not organized under the IRA. Chapman directed that "a general council or mass meeting" be held in each community to select persons for the Tlingit and Haida Claims Committee (Letter from Oscar L. Chapman to Claude M. Hirst, February 12, 1941). On March 8, 1941, the Office of Indian Affairs promulgated official instructions as to the manner of electing the committee members to serve on the Tlingit and Haida Claims Committee.

After following all of the instructions given by DOI, the first official convention of the Tlingit and Haida Claims Committee was held in Wrangell, Alaska, on April 9-11, 1941. The purpose was the selection and employment of attorneys to formulate and prosecute the claims of these Indians against the United States under the Tlingit and Haida Jurisdictional Act of June 19, 1935 (49 Stat. 388). *This meeting was the first federally recognized gathering of representatives of all Tlingit and Haida Tribes.*

Nearly six years later, on January 3, 1947, a contract was signed between the Tlingit and Haida Indians of Alaska and attorneys to represent them in their land claims before the U.S. Court of Claims. The Commissioner of Indian Affairs Glenn L. Emmons approved the contract under delegated authority from the Secretary of the Interior, on March 6, 1947. This was the first time that the Tlingit and Haida were officially treated as an Indian Tribe in a contract approved by the federal government. Several extensions were subsequently approved.

Descendants of the traditional Tlingit and Haida tribes, who were recognized as chiefs or active leaders of Tlingit and Haida clans, were permitted to intervene as parties plaintiff in the Tlingit and Haida land claims brought before the Indian Claims Commission (Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Finding of Fact No. 2, p. 31). These persons identified themselves as representatives of the regional Tlingit and Haida Tribes (Killisnoo, Kuiu, Henya, Taku, Huna, Yakutat, Lituya, Sitka, Kake, Stikine, Auk, Chilkat, Sanya Tlingit Tribes and Kaigani Haida Tribe).

On October 7, 1959, the Court of Claims decided in favor of the Tlingit and Haida Tribes of Alaska. The court found that the Indians held Indian title to the lands and waters of southeastern Alaska and that "the United States both failed and refused to protect the interests of these Indians in their lands and other property in southeastern Alaska within the meaning of section 2 of the special jurisdictional act and that the United States is liable under such act to compensate the Indians for the losses so sustained" (Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Opinion p. 24).

> In conclusion, we hold that the plaintiffs have established their use and occupancy, *i.e.*, Indian title, of the lands and waters in southeastern Alaska shown on the map, marked plaintiff's exhibit 168 and reproduced as a part of this opinion; that they were using and occupying that land according to their native manner of use and occupancy in 1867 when the United States acquired Alaska from Russia; that following the purchase of Alaska in 1867 these Indians continued to exclusively use and occupy the same areas of land and water as previously, and that such use and occupancy was not interfered with by the United States or its citizens until 1884; that beginning in 1884 and continuing thereafter, these Indians lost most of their land in southeastern Alaska through the Government's failure and refusal to protect the rights of the Indians in such lands and waters, through the administration of its laws and through provisions of the laws themselves; that a large area of land and water in southeastern Alaska were (sic.) actually taken without the consent of the Indians, through Presidential proclamations issued pursuant to law, and through reservation of part of the land for Canadian Indians under the Act of March 3, 1891. The plaintiffs are entitled to recover for all usable and accessible land which they used and occupied, ...
> (ibid.: 26)

The amount of recovery was reserved for further proceedings.

The issue of the tribal status of the Tlingit and Haida Indians was raised by the federal government during the trial, and the court gave it consideration in its opinion (ibid.:13-17). The government contended that the Indians were not entitled to be compensated because they were not organized politically as a tribe or tribes and therefore could not have owned any "tribal or community property" for which compensation was allowed in the language of the jurisdictional act. The court responded that, in approving the jurisdictional act, "Congress was fully aware" that the Indians of southeastern Alaska were organized differently from most forms of tribal organization found in the United States, and that they held land differently. Also, the court reasoned that the absence of treaties with these Indians "is not significant" because Congress prohibited any further dealings with Indians by treaty, in the Act of March 3, 1971 (16 Stat. 544, 566), only four years after the acquisition of Alaska from Russia. The court also pointed out that, prior to the passage of the special jurisdictional act, the Department of Interior had prepared a report suggesting that the claims be treated as though they were tribal claims despite the differences in tribal political organization in each group and despite the fact that land was owned by smaller family or clan groups. The DOI suggested an amendment to the act providing for compensation only in the form of a "tribal" fund to be used to secure "tribal" assets. Congress followed these suggestions and prohibited individual claims and per capita award payments.[5] In summary, the court decided,

> We have no difficulty in concluding that in enacting the special jurisdictional act under which this suit is brought, Congress intended that the Indians identified in section 1 should be allowed to sue for and recover judgement for the loss of property or rights in property which belonged to them in the manner in which they owned land and property; and that when Congress employed the word "tribal" to describe the property which should be the basis of the suit under the act, it did not use the word in its usual sense.
> (Ibid.:17)

Thus, the court recognized the traditional clan structure and principles of property ownership of Tlingit and Haida societies, and concluded that the use of the term 'tribal' by Congress and the Department of Interior for the purposes of the jurisdictional act was a special use of the term, cognizant of these differences.[6] *In this way the jurisdictional act was*

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[5] This point was again emphasized by Oscar L Chapman, Assistant Secretary for Indian Affairs, in a letter of June 13, 1940, to William L. Paul, as described above.

[6] It should be pointed out that the DOI made a vigorous defense against assertions that no tribes or valid possessory rights existed in southeast Alaska during hearings of claims for the protection of Indian fishing rights 15 years earlier. DOI attorneys developed extensive arguments on behalf of aboriginal possessory rights and previous federal recognition of tribes in Alaska for the DOI Hearing in Claims of the Natives of the Towns of Hydaburg, Klawock, and Kake, Alaska, Pursuant to the Provisions of Section 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944. See DOI Reply Brief and Proposed Amended Finding of Fact and Recommendation of Petitioners, pp. 10-27.

With regard to tribal recognition, it should be noted that the social organization of Tlingit and Haida societies is structurally equivalent to that found in the federally recognized tribes of the Washington and Oregon coasts. Tlingit and Haida are the northernmost groups of the Northwest coast cultures (Drucker 1965).

instrumental in the creation of a representative tribal organization for the Tlingit and Haida Indians that was recognized by the federal government.[7]

In 1965, Congress amended the 1935 jurisdictional act at the request of John A. Carver, Secretary of the Interior. The stated purposes of the amendments were to clarify the authority of the central council and to provide flexibility for the distribution of benefits. In his request for the amendments to Wayne N. Aspinall (March 10, 1965), the Secretary stated the substitution "will create a representative tribal governing body with all the authority necessary to work with the Bureau of Indian Affairs and with the smaller organized groups of Tlingits and Haidas." The previously described Tlingit and Haida Claims Committee had been recognized by the Department for the purposes of selecting and employing an attorney for the tribes, but by these amendments the Department was preparing the way to constitute a recognized tribal governing body as mandated by the jurisdictional act. The amended act provided rules and procedures for the existing Central Council to be recognized as the official Central Council of the Tlingit and Haida Indians. The Central Council was authorized to carry out administrative tasks and to prepare plans for the use of judgement funds, and to exercise powers of expenditure and distribution of the funds as may be authorized by Congress.

The next Central Council convention was held in Sitka during May of 1966. At this meeting, 49 delegates from 18 community councils reorganized the structure of their organization, based on the amended jurisdictional act. The delegates adopted more stringent rules of elections for the community councils and provided for the election of seven officers who would comprise the Executive Committee (Metcalfe 1985:19). In January of 1968, the Court of Claims awarded $7,546,153.80 to the Tlingit and Haida Indians for their lost lands. The Central Council chose to preserve the award in a trust fund and use the interest it generated to operate programs for the benefit of all Tlingit and Haida people.

Growth and Development of the Central Council of the Tlingit and Haida Indian Tribes

In subsequent years, the Central Council expanded its operations and carried out additional tribal functions beyond those authorized by the jurisdictional act of 1935, as amended in 1965. This development was founded upon federal acknowledgement that the Central Council was a tribal government for the Tlingit and Haida tribes, and that the trust relationship between the tribes and the federal government extends beyond the management of the land claims judgement fund. In the early stages of this transition, the then Associate Solicitor for Indian Affairs within DOI, Thomas W. Fredericks, wrote an opinion on the nature of the trust relationship and responding particularly to whether the relationship is conditional on maintenance of the fund, stating, "the legal relationship between the [Tlingit and Haida] tribes and the United States will not be altered by the expenditure of the funds although certain practical aspects of that relationship may change." He stated clearly that there was a continuing trust relationship between the government and the Tlingit and Haida tribes which was not limited to obligations based on the trust fund, and which could only be altered by Congressional action:

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[7] The court was also explicit in its discussion of the unity among the Tlingit people and Haida people above the level of the family and clan. Although there was not a political unit that was identified with the entire group, the subgroups occupied contiguous stretches of territory and were closely united by common customs, language, family ties, trade, ceremonials, and a consciousness of their oneness as a homogeneous group (Tlingit and Haida Indians of Alaska v. United States, Ct. Cls. 1959, Opinion p. 3).

> The special trust relationship between the United States and the tribes is not dependent solely upon the Treasury's holding their judgement funds. *It is dependent, instead, on the legal status of the tribes as tribes.* In the event of a complete transfer of the funds to the Council, the trust obligations of the United States with respect to the funds would terminate. Other aspects of the trust relationship would not, however, be affected. *Only Congressional action can significantly alter or terminate the relationship.* (emphasis added)
> (Fredericks 1978)

Summarized below are the more important authorities and activities that were adopted by the Central Council, and recognized by federal, state, and other tribal governments.

I. Program Agreements between the Central Council and the Bureau of Indian Affairs.

These agreements placed Bureau of Indian Affairs (BIA) programs and activities provided in prior years through the Southeast Agency in Juneau, Alaska, and the agency personnel managing and providing such programs and activities, under the direction of the Central Council of the Tlingit and Haida Indian Tribes of Alaska.[8] The first agreement was signed on February 17, 1971, by John Borbridge Jr., for the Central Council and Alexander S. McNabb, Director of Operating Services, BIA Central Office. As stated in the first program agreement, the intent of both parties "is to empower the Tlingit and Haida people to determine their own destiny and affairs involving them, to the maximum feasible extent, in the formulation, conduct, and administration of all [BIA] programs for their benefit."

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[8] Non-delegatable trust responsibilities and services to the Annette Island Reservation and its people are excluded from these agreements.

The basis for entering into a contract with Tlingit and Haida was an opinion issued by the Solicitor, Department of the Interior dated April 3, 1970, concerning a request by the Mescalero Apache Tribe to assume the direction of federal employees at their agency. The Solicitor determined that a provision of authority existed for the BIA to transfer to an Indian Tribe the direction of federal employees (R.S. Sec. 2072, 25 U.S.C. s 48 (1964)). The provision refers specifically to the delegation of authority by the Secretary of the Interior to an Indian "tribe." Therefore, in executing the agreement, the BIA extended recognition of tribal authority to the Central Council of the Tlingit and Haida Indian Tribes of Alaska.

The initial agreement stated that it was the first phase of longer term plan to involve the Central Council in BIA programs. The contract agreement was referred to as a 'Buy Indian Contract.' On May 21, 1976, the Acting Contract Administrator for the BIA, Juneau Area Office, advised the Central Council that the Buy Indian Contract will be supplanted by a P.L. 93-638 contract with statutory procedures differing from Buy Indian. The change was ultimately made and the Council continues to this day to provide services under a 93-638 contract. The Central Council operates 23 programs funded by federal and state agencies.

II. Tlingit and Haida Regional Housing Authority

In 1971, the Alaska Legislature passed a bill authorizing the creation of regional housing authorities for the specific purpose of implementing the National Indian Program for Indian Housing. This action was taken in response to a study showing severe housing problems in rural Alaska, and an intensive lobbying effort by the Central Council and the Alaska Federation of Natives. The legislation specified that the Central Council could form a housing authority for southeast Alaska. The Tlingit and Haida Regional Housing Authority was established in 1973. Progress was rapid in the early years and by 1975 the Authority had sponsored the construction of 360 single-family housing units in ten communities in southeast Alaska (Metcalfe 1985:25).

The Tlingit and Haida Regional Housing Authority is unusual because its authority is recognized by both state and federal governments. To qualify for state funding, the Authority incorporated under state statutes. It is also recognized as a tribal housing authority for federal programs. The Central Council appoints the Commissioners.

III. Tlingit and Haida Credit Union

The Tlingit and Haida Credit Union is a federally chartered credit union established in November, 1972, for the benefit of members of the Central Council. An investment of $50,000.00 was authorized and an advance was obtained from the Tribal Trust Fund, to implement and initially fund the union. The Central Council of the Tlingit and Haida Indian Tribes was issued a charter and a separate entity was established under National Federal Credit Union auspices.

IV. Tlingit and Haida Regional Electrical Authority

The growth of housing in villages occurred at such a rate that by 1975, five villages had reached the limits of their electrical generating capacity.[9] The situation reached critical proportions when the U.S. Department of Housing and Urban Development determined that no further housing projects would be approved in those villages with inadequate generating capacity. The Tlingit and Haida Regional Housing Authority identified the Rural Electrification Administration as a primary source of low income loans. To qualify for the loans, the Central Council formed the Tlingit and Haida Electrical Authority in 1976. The authority was chartered under state statutes to operate in villages and to become eligible for federal funding.

During the life of the organization, electrical facilities have been replaced or improved in each of the five villages. A small loan fund is used to upgrade facilities in the villages as needed. There are currently over 1,000 electrical consumers being served by the Authority (ibid.).

V. Indian Tribal Government Tax Status

The Central Council of the Tlingit and Haida Indian Tribes of Alaska is listed by the Internal Revenue Service for the purpose of the Indian Tribal Government Tax Status Act of 1982.

VI. Other Federal Grants and Contracts

Other tribal contracts include a contract with the Alaska Native Health Service in 1975 to provide a health training seminar. Also in 1975, the Central Council received a grant of $125,000.00 from the U.S. Dept. of Commerce, Office of Minority Business Enterprise, to provide Technical Assistance to Minority contractors. Currently, the Council is a participant in the BIA Demonstration Project.

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[9] The five villages are Hoonah, Angoon, Kake, Klawock, and Kasaan.

VII. Published Lists of BIA Recognized Entities

The Central Council of the Tlingit and Haida Indian Tribes of Alaska has been listed in the Federal Register as an Alaska Native Entity recognized and eligible to receive services from the BIA since 1982. Also, since the Central Council was involved in a tribal judgment, a tribal roll for the Central Council was approved by the Bureau of Indian Affairs. This roll was listed as a Tribal judgment roll in 25 CFR. The BIA, acting as Trustee for the Tlingit and Haida Tribes, continues as custodian for the Tribes' judgment funds. The Central Council has obtained a BIA Loan Guarantee.

VIII. Recognition by National Indian Organizations

The Central Council of the Tlingit and Haida Indian Tribes of Alaska has had active membership in the National Congress of American Indians since 1964. The Central Council has also been a member of the National Tribal Chairmen's Association, and participated in the Northwest Tribal Association.

IX. Recognition by the President of the United States

The Central Council was invited to President Reagan's meeting with selected Tribal leaders in 1988.

Conclusions

According to standard anthropological concepts, the localized clan was the fundamental socio-political unit of Tlingit and Haida societies. Ownership of property, inheritance, group allegiance, territorial affiliations, and social ranking were defined and delineated principally by clan membership. Clans were also divided into two opposite sides which prescribed reciprocal social and ceremonial obligations among members of different clans. Communities were comprised of the members of more than one clan or clan segment; they interacted regularly in social, economic, ceremonial, and political activities. The larger villages, together with any associated subsidiary settlements, were united by intermarriage, intersecting clan relationships, and reciprocal ceremonial obligations, and were distinguished as groups with well-defined territories. These groups were recognized consistently throughout the historical period and were frequently identified as tribes. The tribal relationships which united each of these groups also united members of different groups into a larger, nation-like entity with common customs, language, and identity. This larger entity has also received historical recognition by outsiders; during the Russian period, colonial administrators, traders, and clergy referred to the Tlingit people with a single term that did not distinguish among smaller clan units.

After the transfer of Alaska to the United States in 1867, the Tlingit and Haida experienced substantial disruptions to their traditional jurisdiction, use, and occupancy of southeastern Alaska. Chiefs of the various tribal groups, singly and in councils, appeared before American governmental authorities in Alaska, or contacted the President, to protest the incursions of new settlers, the loss of their land, and forced disruptions to their traditional subsistence activities and community life. Objections were first made by a tribal delegation following the transfer of Alaska to American authorities. The disruptions accelerated substantially during the 1880's and continued at a significant rate thereafter, despite continued protests and objections by tribal leaders who met repeatedly in representative councils to object and protest the loss of their tribal lands and possessory rights.

In the twentieth century, this tribal action was transferred to the courts, after the passage of the special jurisdictional act in 1935. This act recognized the existence of Tlingit and Haida Tribes in Alaska, and was instrumental in bringing about the formation of a federally-recognized representative tribal organization. Subsequent and repeated transactions between the federal government and the tribes led to the formation of a central council which was officially constituted as the representative tribal organization for the tribes. The Opinion of the U.S. Court of Claims independently granted recognition of a traditional political organization for the Tlingit and Haida Tribes. The Opinion was very detailed and explicit on the existence of a tribal political organization in southeast Alaska, despite the differences from other forms of tribal organization found in the contiguous states. In recognition of this finding, the jurisdictional act of 1935 was amended in 1965, specifically to create a representative tribal governing body with all the authority necessary to work with the BIA and the Tlingit and Haida communities. The Central Council was reorganized accordingly, at the direction of the BIA. Following the judgement award, the Central Council carried out the functions of planning, administering, and managing expenditures from the Trust Fund, in a trust relationship with the BIA.

In the intervening years, the Central Council has sought and received recognition from BIA to carry out significant additional tribal governmental functions based on their tribal trust relationship with the federal government. This relationship has been repeatedly affirmed by the DOI and the BIA in official actions and communications. Thus, since the issues of tribal ownership and loss of tribal property were brought before Congress in the 1930's, the Tlingit and Haida Tribes have received recognition of their tribal status from Congress, the DOI, and the U.S. Court of Claims.

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Arctic Slope Regional Corporation

1991 Committee

Date: November 20, 1984

Memo to: Arnold Brower Jr., Chairman
ASRC 1991 Committee

From: Charles Edwardsen Jr. Charles Edwardsen Jr.

Re: Alaska Native Restoration Act of 1987

A Bill, Alaska Native Restoration Act of Federal Supervision of 1987.

(a) A Federal recognition is hereby extended or confirmed with respect to the Alaska Natives (Eskimos, Indians and Aleuts) tribes of Alaska, the provisions of the Acts repealed by subsection (b) of this section not withstanding.

(b) The following Acts are hereby repealed:

(a) All of Section 4 (a), (b), (c) Public Law 92-203, December 18, 1971, (85 Stat. 689).

Section 7 (b) to (q) Public Law 92-203, December 18, 1971, (85 Stat. 691).

Section 9 (9) Public Law 92-203, December 18, 1971, (85 Stat. 694).

Section 11 (b) (2) (a), (b) (3), (b) Public Law 92-203, December 18, 1971, (85 Stat. 700).

Section 12 Subsection (a) (2) Public Law 92-203, December 18, 1971, (85 Stat. 701).

Section 14 (c) (1), (2), (3), (5), 14 (d), (e), (f), (h) Public Law 92-203, December 18, 1971, (85 Stat. 702).

Section 18 (a), (b) Public Law 92-203, December 18, 1971, (85 Stat. 710).

Arctic Slope Regional Corporation

1991 Committee

Section 19 (a), (b) Public Law 92-203, December 18, 1971, (85 Stat. 710).

(c) There are hereby reinstated all rights and privileges of each of the tribes described in subsection (a) of this section and their members under Federal treaty, statute or otherwise which may have been diminished or lost pursuant to this act relating to them which is repealed by subsection (b) of this section. Nothing contained in this Act 25 USC 476 et, Seq. shall diminish any rights or privileges enjoyed by each of such tribe or their members now or prior to enactment of such Act enacted December 18, 1971, Public Law 92-203 (85 Stat. 689), under Federal Treaty, Statute or otherwise, which are not inconsistent with the provisions of this Act (25 USC 476 et. Seq.).

Section Seven of FLMPA....
repealled.....

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ADMITTED STATE OF WASHINGTON

DON C. BAUERMEISTER
J. MICHAEL ROBBINS

March 9, 1989

Senator Daniel K. Inouye
United States Senator
Senate Select Committee on
Indian Affairs
United States Senate
Washington, D.C. 20510-6450

Re: Joash I. Tukle
Alaska Native Allotment Applicant
Statement for the Record

Dear Senator Inouye:

This office was asked by George Edwardson, Chief of the Barrow Tribe, to assist in the preparation of a statement for Joash I. Tukle. The purpose is to submit this statement for the record in hearings concerning Alaska Natives under the Alaska Native Allotment Act and the difficulty many of the Eskimos have had in obtaining their allotments which have ended up in a conflict with state land selections.

Mr. Tukle would appreciate your consideration of his statement and would further ask that you make sure the statement is included in the appropriate hearing record. If additional copies are needed for distribution to other members of the Senate Select Committee, this office would be happy to provide them.

Thank you for considering the statement of Mr. Tukle.

Sincerely,

J. Michael Robbins

J. Michael Robbins

JMR/djj
Enc.
cc: J. Tukle
G. Edwardson

STATEMENT BEFORE SENATE SELECT COMMITTEE

STATEMENT OF JOASH I. TUKLE

My name is Joash Tukle. My attorney helped me prepare this statement and told me to attach my statement of March 7, 1988 ("Exhibit A") and a copy of the Native Allotment Field Report prepared by the Bureau of Land Management ("Exhibit "B"). I am making this statement to ask the help of the Senate in obtaining a native allotment.

I was born at Oliktok ("Uliktuq") in 1923. I come from a large family and three of us were born at this site. My family and other Eskimos had used ice cellars which have since been destroyed by the Federal installation of a DEW Line station at Oliktok Point. Also, a graveyard was located near the site of my birth in which were buried several of my relatives. Many of these gravesites were destroyed as a result of the construction of the DEW Line station in 1956 and 1957. I recall the destruction of the ice cellars and the covering up of the gravesites because I was living at Oliktok Point and working for the government in constructing the DEW Line station. My family annually would encamp at Oliktok Point to fish the fall run of whitefish and other fish. Also, we would hunt seal on islands offshore from Oliktok Point during spring break-up. My brother and I trapped the winter season on several occasions using Oliktok Point as the site for our base camp in running our trap lines. I wanted to obtain Oliktok

Point as my allotment but have been denied this right because the federal court in Alaska said that I could not amend my allotment to include these lands because my original allotment was located on the Colville River about 11 miles away.

When I originally was told about my allotment rights, I was told by the federal government that I could not choose any lands at Oliktok Point because the federal government had withdrawn those lands for national defense purposes. Now I learn that the State of Alaska was allowedd to select the lands which were in my allotment and has already gotten a patent. Yet I was not notified; I was not allowed to protest; I could not make the State prove prior use and occupancy. In fact, the State slected my allotment lands and received patent in less than one year while I have waited twenty and received nothing.

Even though the State and ARCO have gotten their lands, they continue to oppose my allotment rights on the North Slope. I think the oil company runs the State and the BLM because they always receive priority treatment.

I and my family also lived along the Colville River and fished and hunted on islands in the river delta and farther upstream. I have also sought to acquire allotment rights to lands along the Colville River, but again the State of Alaska had selected the lands in 1964 and is now saying that I cannot prove that I lived on those lands to the exclusion of all others for five years prior to 1967. I will say to this

Committee that I and my family lived many years along the Colville River hunting and fishing and trapping. This is the area where I learned to survive in the harsh arctic environment and I can do so today.

In about 1960, I married and moved with my family to the Eskimo community of Barrow, Alaska. There I obtained employment so that I could support my family in a more modern environment and could provide my children with medical services and educate them in the more modern world. I have always wanted to return to the lands of my origin but am faced with the reality of life which requires that I work and provide for my five children. My wife died of cancer after a five-year battle in 1984. I have returned to both the Colville River and the Oliktok Point site on several occasions since moving to Barrow. I have had an allotment application filed with the BLM since 1967 and I have paid my attorney many thousands of dollars in an effort to get my allotment conveyed to me. I have not received my allotment and now I am told that I have to prove that I did not abandon my allotment. If abandonment is based on what I feel in my heart, my heart has always been at the place of my birth, where I also hope to spend the remaining years of my life and to be buried with my ancestors. If intent has a price, then the many thousands of dollars which I have spent in legal fees, airplane tickets and long distance telephone calls shows that the price of that intent is high.

Now I am told that I must have many witnesses in addition to the field report (Exhibit 2) and must spend many thousands of dollars more since the State and ARCO now claim a right to contest the validity of my allotment.

I can only say that I was born and raised in the area where I have filed for my allotment rights. I used many thousands of acres to subsist as an Eskimo on the arctic slope. Yet the government says I can only pick 160 of those acres as my entitlement as a Native American whose history in the arctic has exceeded that of the State of Alaska by 40 years. The State of Alaska can select 103 million acres of land without a requirement of intent and without establishing a history of exclusive use and without even showing a prior use. Yet I and my family can live and die on this land and we must prove that we did not intend to "abandon" it. I state to you now that I have no intent to abandon my heritage and never had for the 22 years that I have sought to obtain my allotment.

The Committee should be aware that the State of Alaska disclaimed forever all interest in Native property which included property rights acquired through subsistence use and occupancy. This disclaimer was part of the Statehood Compact and was discussed thoroughly by the House and the Senate in the 1958 reports which accompanied passage of the Alaska Statehood Act. Section 4 of the Statehood Act provides the language of that disclaimer. It is apparent that this disclaimer "forever" was meaningless as the State has been granted title to my allotment while I have been ignored and denied. Even the Alaska Constitution which was approved by the people disclaimed "all right or title in or to any property . . . as that right or title is defined in the act of admission." Alas. Const. art. XII, § 12, cl. 2.

Further, the State of Alaska was prohibited from making selections in the area of my allotment by § 6(b) of the Statehood Act without prior presidential approval. Yet the State proceeded to make selections without prior presidential approval in violation of § 6(b) of the Statehood Act. Congress sought to approve the selections in § 906(p) of the Alaska National Interest Lands Conservation Act, but this provision was never accepted by the people of the State of Alaska or even by the State Legislature. I submit to you that the State selections in violation of §6(b) are invalid at least to the extent that they have conflicted with my prior rights of use and occupancy as represented in my Native Allotment application.

I ask that the Senate help me and more than 400 other Native allotment applicants whose allotments conflict with State selections by allowing us to obtain our lands without any further need for litigation and hearings. These few remaianing unapproved allotments total less than 71,000 acres of land which is less than .0007% of the State's total land entitlement. For once, Natives should receive the bargained for disclaimer and the State of Alaska should be required to reconvey these lands to the appropriate Native allotee.

Thank you for hearing my statement. I hope you will correct the situation with appropriate legislation. God Bless You.

Joash Tukle

1of6, [illegible]

NATIVE VILLAGE OF BARROW
IÑUPIAT TRADITIONAL GOVERNMENT
P.O. Box 1139 Barrow, Alaska 99723 (907) 852-4411

STATEMENT OF JOASH TUKLE"S TESTIMONY
LAND ALLOTMENT
PRESENTED MARCH 7, 1988
TRANSCRIBED FROM TAPE FORM
FROM INUPIAQ TO ENGLISH

My name is Joash Tukle.myself.

I am going to talk of my allotment that is in Uliktuq. When I first found out about the availability of land allotments in 1967, I filled out the land allotment paper with such a haste that I did not leave the person who brought me the news when he first told me. I thought first, then I pointed out the place for the land in Nuiqsut, after I had chosen the spot in Uliktuq, after he said the papers were prepared,I waited. I received no one with news of the status of my land allotment, even though previously, I had gotten the land.

Past the 15 years mark, I waited.

After that many winters had passed, B.L.M. told me, "Let's go put up the markers(boundaries) of your allotment right now". So then, he took me along. When we landed in Nuiqsut, Irene Tukle, my sister-in-law, was seated in with us. They were also to set up boundaries / markers for Ben Tukle. He has since then passed away, him, my younger brother. So then, after we took off,we discover that the boundaries/markers were together, both of us had placed our allotments on the same place, both Ben and I had filled out allotment papers for the same place!

And in that same piece of land,another marker, that is metallic, had already placed. The people from B.L.M. had already placed it, before placing our marker before us. And so, three (3) markers were trying to be on top of each other, this land that is jutting out is small, it is a hill. And so then, I told those two, "To that upturned place,to that other place. I will set up my markers. If we place our markers here, they will be on top of each other." So they went to inform Bud Hanley, he crossed over and for two (2) hours long, they did their business. So then when the B.L.M. people returned, he started speaking to me. "The writing on the paper, when you filled them out a long time ago, and it seems that this other person had already lived on that land, and if you placed your markers here, it would be good." You see, because three(3) of us had already claimed that place. "Am I going to place my allotment there?" I told my in-law, "Let's place it here temporarily, because Ben wishes to place his allotment there." He has since died. So when he (the B.L.M. man) said yes to me, to the n/north/east side of Johnny Attuangaruak's marker, on top of the small hill, we placed a marker there. And so, I informed the B.L.M. people that I would look for a permanent place, I did not set up a boundary there, because there were our markers on top of each other, just like floating on top.

I told him that I would like to find a place for it. So then, after I had thought about it, when people had not filed out allotment papers for the point of Uliktuq, they had not filed for the allotment at the point, I thought of my birthplace, I started to make papers for that place. I had Alaska Legal Services people, who were here in Barrow, to do my work. I filled out papers, I decide to try. But then I hit a snag, from a wording that trapped me, "that's closed now" (the time to fill out papers). "It is closed." So because of excuses like that, I stopped.

After I had stopped awhile, B.L.H. people call me from Fairbanks. If I set a date they will take me to that point at Uliktuq to set up my markers. I rushed ahead, in 1983, in the early part of July. So on the 10th of July, we went up there. There was a photographer, they (B.L.H.) had brought a photographer with them. The photographer followed, his (name) I know not. And that person settled at Marge's house, we landed at Uliktuq, leaving that photgrapher over there, that photgrapher. They brought us(two) over there. (They said) If I wish to place my allotment, without looking at the Dew line sites, let me place it there. We brought the marker to the point and set it there. Afterwards, I went home. After we went home, directly after, I didn't stay long my wife took sick, and I brought her to the Anchorage hospital. With my children, we moved to Anchorage. And to finish preparations on my allotment, since it was already marked, I got a lawyer, whose name is Mike Robbin. I had asked people, my relatives, for which (lawyer) should I choose, they said I might choose this one. I don't know anything about lawyers, which one I should get. So then, because I don't speak English well, since they pointed him out, I chose him.

And so it began that way, I talked with him , to the best of my ability. So when my wife died over there, to let the time run out on my grief(heart-feeling)two of my daughters and I decided, with the intention of going to Uliktuq, to that allotment up there, from the permit-place in Anchorage , I got a permit with the purpose of driving to Prudhoe. It is possible to get permits over there. (In Anchorage) After we got the permit, we started out. So when we should build a house in Uliktuq, we gotr prepared with furniture for it. We brought along a trailer and we started out. In the big hills, while we were traveling, they checked us out. We passed. After we pass, right there, after we pass, we went on ahead. When we entered Prudhoe, there was no place to check in even.

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After we passed Prudhoe, on our way to Uliktuq, on the north side of the river , Kuukpak, we passed over two (2) checkpoints, we passed them. We travelled well, seeing and following our (road maps) papers. So when we crossed the Kuukpagaruq, two (2) policemen approached us. One of them said, "From here on , you turn back." I gave him my papers readily, th ones I carried that gave me permission to travel up to Uliktuq, because I had heard too, that other people, had made their way up here and so I tried it too. Then he told me. I must return to Anchorage. He didn't want to say anything further. My daughters kept glancing at each other and they looked pitiful! Even though I understood him, I asked what? again, so I could hear him say it. (again) They said I must return to Anchorage, if I don't return to Anchorage, I will land in court. I will not turn back! (He doesn't say that to them) I will go to my allotment in Uliktuq. We start leaving that place to Uliktuq, since that policeman was not trying to take me in. The one who had not spoken before to me, told me, "Joash, you be careful" And I answered, "I am doing right." I am going to my land, my birthplace, to Uliktuq. We started out, and during the course of our travel, the policeman sounded his sirens, I stopped. When he reached me, he told me that I have passed the road of Uliktuq, let me follow him to Uliktuq, he will escort me there. So I turned and followed him. So he escorted me to Uliktuq, and after we stopped at the allotment, we decide to spend the night at my younger brother's house . So we took down our belongings and the next day, because we had no house, I parked my trailer and vehicle, put a sign in front of my alloment, so they (the vehicle and trailer) could not be moved about. Then after two days, after they had viewed the sign, the policemen came over and he said that I must move my trailer and vehicle from there. He brought along papers stating that the area was used for something. I did not wish to speak nonsense. But I answered him that I would not move them. They themselves did not move them. They did not turn back. But we received visitors in the evening , there were many of them, including Inupiaq people, people-of-Barrow. So when they came in, we talked and visited. They entered in when myself and my daughters were enjoying ourselves, playing pinochle. The leader was part Black. He started to ask me questions, saying also there were graves at the point. They had lights on the heavy equipment that were working on the point, on the sand, they keep bringing up the bodies of the dead people. And so then he started asking me questions about the . gravesites, and I answered him and saidI would not tell of graves either of my allotment to you. you are talking foolishness. He stopped talking. But we start speaking of other maters. We wintered there, but since we had to go to Barrow, my three daughters and I, drove with one of vehicles to Deadhorse and packed up some of our belongings that we had used to winter there, but I left the furniture that were to used in the house at Uliktuq.

While I wintered, I began to hear news, the oil peole have moved my vehicle and trailer. I hear bad news, they have moved my belongings! And I feel pain inside, because they have moved them. While the time approaches summer, I begin to think of what I am going to do of my place in Uliktuq, because they have kicked my belongings off my allotment.

If I return without completed papers on my allotment, the oil people and I might come to a time-of-not-thinking-together,(disagreements, arguments) with the oil people, and prior to this, I had spoken previously, when my lawyer and I started filling out papers, I wil not be defensive (stingy) to people of my allotment, let us talk together and let them use it. I will not be stingy , let us work together for right with the workers. So because I thought back on my words and remembered, and I didn't want to reach-a-place-of-misunderstanding, and because they had thrown out my belongings, at that time , right therwe, I didn't return(though I planned to later) . So then, the summer after that, because I did not want the furniture to rot in that house, I prepared three (3) snowmachines in the winter and went to get them and brought them to Barrow. So then I worked and tried to prepare the papers on my land allotment but it is very difficult. There are excuses for here, for there. And now let me switch. (change subjects)

There are quite a few people in Barrow, who have moved their allotments or moved to another allotment. What I have heard, there are several, not only two but maybe three(people who have done so) and because I have tried to move my allotment, they have given me a hard time to do so. If so the other people may move theirs(allotments) I may also be able to move mine. People are equal, all of them.

When people do these things. it is desirable for self to do so too. (to be included) So then, the situation being what it was, because I had no belongings over there at Uliktuq, there has arisen a word. We had had a trapping place at the point with a small house with my younger brothers. And so we went trapping there at the point in 1954 to that small house. While we were trapping, I fell terribly sick. When I prepared to go to Barrow for safety, my younger brothers desired to follow me, but I left them there so they could trap, as there was no work available for us.

So I left for Barrow, while they were there, when the time reached springtime, people prepared the Dew line site. Before the Dew line site was in existance, we have used the place as a trapping site. The Dew line site, traversing on Cat trains, had reached. And so had built an airport by the seaside, they placed their buts to store all their heavy equipment, their drilling rigs, their cat train vehicles, their tools, by the ice cellars, downside of them, by my father's ice cellar , whose name is Inualhluraq, the

the ice cellars of Nalikaq Eriqluk. There were four of them, three of them with houses on top. they(the heavy equipment and huts) surrounded tht ice cellars. And so they erected the Dew line site to the south/south-west of the ice cellars. My two younger brothers had left and gone home. The workers there know of this (his two younger brothers which were Paul Kignak, also Charlie Edwardsen, right there. (at the site) So also Archie Brower, included Joseph Eriqluk, those people have been named by my younger brother. At that place,, if I had not taken sick, those people would also have seen me there. Our life at that time, was very precarious, for a long time. And so, after telling this part, when my younger brother started working over there at the Dew line in 1957, while he was there for a season, the station chief had asked him if he (the station chief) could bring his children there. So they talked together and made it possible for them to come. Tommy Brower's store had also been erected at the point. Then Tommy went to Barrow and bought the place at the point, the other storage place. The station chief told him (Tommy) that he should put it to the line of the Dew line, so so one would bother him. So he moved his place to that area. And so also included our trapping place over there, at the point. So the Dew line gave him a good place, installed electricity and he worked there until his children reached the-age-of-awareness. And while things were the way they were, they started to burn the houses down that were there, after the the huts and the Dew line site were well established. And so, a few houses being found desirable, my younger brother desired to have a house too. and so th e station chief informed him to burn down that little house by the point, his trapping cabin, and trade it for a good one from here, but burn it(the cabin) down. So he burned it. That is why there is no evidence of the small trapping cabin, because that is what happened. No one may even see what form it was because it was burned in exchange. But the house-in-exchange is by the barge over there. That is why it is not visible, because the Dew line site knew what was to be, afterwards they removed those things from that place at the point. And after they had removed them, they built a tank at the point, those two that are containers-for-diesel. And so, because the house has ben exchanged, the people-of-Federal-and-State agencies and people-associated-with-land-developement, the -public-hearing-people, because of the fact that we have no belongings over there, because they had handled our belongings (in that manner related) in Uliktuq, the matters we had not spoken of previously, at this time we are letting them be heard of, the matters that were at the Uliktuq's point. And so, because the relatives of A ℓCO can put markers inside of the Dew line site, even thought the Dew line site is in existance, I , myself, also have the right to set up a mrker over there. We are equal, I have a marker there too. Because I could not prepare before this (due to no legal help)

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I could have set up a marker, the date for it is after the date of marking of ARCO marker, because of hardships befallen me, even I tried with all I could do in my power. I have thought that maybe(they) wanted ARCO to set up his marker before me, so they arranged for things to happen that way. after they place hardships and blocking-of-ways on me and so enabled him to say I was last(in getting the place) , they might have worked that way for me. Be that as it may, the place that has land, that has homes there, should have first priority. Over there, in white man's land, we the Inupiat, cannot go there and move their land ourselves. We are people -to-be-pitied, here, they have come to us, we who are trying to eke out a living(survive) to have authority over us. We are to be further pitied, (to have compassion on) in that we are not well established, that in our fervent efforts to live properly. And so you should show proper mercy and compassion, you who are working in such matters, you who reside in the United States, even in Federal capacity or in the State capacity, whatever position or place, YOU be called good workers, having ALL people in equality, work for then (us) . The one who should have first rights, do not place stumbling blocks in front of him. It is a very glorious (happy,good-thing-to see) thing to see people agree together and work things out properly, even though it consumes a lot of time to negotiate. I do not wish to use people as pawns, to do with as I wish, all I desire is have Uliktuq as mine, because it is my home, as homes can be described only by my native people, the Inupiat. And I do not wish to lose it(good-home-building-place). So those of you in working capacities, thos who think right, those working now, may our God give you good judgement in selecting people who will work well with you . Thank-you.

TRANSCRIBED, TRANSLATED BY Yvonne Sarren Yvonne Sarren
Admin. Sec'ty Native Village of Barrow

March 8 and 9, 1988

Patsy Tukle, Brother of [illegible]sh Tukle Testimony

My name is Patsy Tukle, this is my testimony regarding Joash Tukle's struggle for his native allotment at the Oliktok Point. We had a trapline at Oilktok Point back in 1954. We arrived at Oliktok Point in December, while we were at Oilktok Point as the days started to grow longer my older brother Joash Tukle left for Barrow due to becoming ill. He left my younger brother Ben Tukle(deceased) and I to tend to our traplines at Oliktok Point.

While we were trapping at Oliktok Point in the early part of 1955, a cat train arrived to construct the Dewline Site at Oliktok Point, there were no white men that traveled to Oliktok Point before that cat train arrived in the early part of 1955. The Dewline Site construction crew was the first white men to arrive at Oliktok Point. The Dewline Site construction crew saw my brother BenTukle and I on more than one occasion, we would go to the construction site to eat meals attheir invitation. They witnessed us trap at the Oliktok Point where my brother Ben Tukle and I were trapping. Inupiat people know that Ben and I were trapping at Oliktok Point and they know we were there trapping during the construction of the dewline site. After we were done trapping we went ho home to Barrow to our parents home in Barrow. In 1957 I went to work for the dewline construction company at the dewline site at Oliktok Point. While I was working at the Oliktok Point the construction crew from the dewline site excavated gravel for the dewline site form the Oliktok Point. They used a lot of the Oliktok Point gravel for the construction of the dewline site. The station chief and I discussed the possibility of moving my family to Oliktok Point so that I could work at the construction site without having to worry about my family. That I was not going to be harassed by anyone, I purchased Tom Borwer's old store located at Oliktok Point area. I relocated the house and my family and I lived in the house for several seasons. The dewline site company helped light my house at the site. I constructed the house on the outskirts of the boundaries of the dewline site.

After everything was constrcuted the construction company started destroying the facilities they used during the constrcution of the dewline site. The station chief and I discussed the ownership of a house I was interested in. He said that there was no problem with taking the house as long as they met the Government's policy of destroying the house first and I would obtain ownership through the salvaging of the material for the house I was to built from the salvaged material. I burned my first house to make a trade for the house that I wanted to own. We did not know about native allotments. If I had known how to make-an application for native allotments I would ahve kept my house on the site that I had purchased from Mr. Tom Brower. I would not have relocated the house where the dewline sit plac placed tanks for fuel storage.

After the tanks were placed at the site my Older Brother claimed an allotment at that site. BLM placed a allotment marker at the site. While my brother was not able to be present ARCO place a marker claiming the site also in his absence. ARCO placed there marker in befoo BLM could place Joash's allotment marker. I am aware t that Joash was trying to get BLM to place a marker for a ong period of time.

If Feco is going to place cotrol over the land where the outskirts are going t to place control. Naive people who lived there before the ARCO marker was placed fair and just measurements must be made to protect the native people who lived tere before the white man came and that is not fair to native people. I know that my older brother Joash has a allotment at Oliktok Point. I also know that you must place a sign for identifying who owns the property. I also know that ARCO has not treated my older brother Joash Tukle right when they removed the trailer and vehicle from jhis native allotment claim site. They relocated his trailer and vehicle to my allotment without Joash knowing that they moved them. He was not informed by ARCO the trailer and vehice are still next to my house.

The United States agencies regardless if your working for the State or Federal governments you must treat people fairly and justly. I also know that people have relocated there allotments to make corrections that were made by the BLM/

[illegible] owners are being helped by the M and other agencies. You must be fair and just so that peole can look at the government as fair and just whether you work for the satte or federal governments. People will respect you for your fair a and just tratment of the native people .

Issac Ekolook

My name is Issac Ekolook, while we were living near the Oliktok Point we had to travel to Barrow due to theillnesses of my father and brother we planned to travel to Barrow, because of the dangerous conditions of the ice we had to start traveling while it was favorable., when my father and brother died due to the illnesses. We were there during the sprin season and there were people living at the Oliktok Point area who were trying to subsist hunt by catching Boarded seals off the coast of Oliktok Point near the barrier islands. We had no boat there were three families , Tukle's, Ekolook's, and Kissok's. We lived there with Tukle's and subsisted off the land. Joash hunted caribou for the three families by using his dogs to back pack the meat back to Oliktok Point south of Oliktok Point.
The winter season came and we pitched our camp next to their camp. My olde rbrother wa was trapping that winter season Right before the trapping season my brother caught three polar bears that were raiding the ice cellar belonging to the Tukle's at Oliktok Point. My older brother caught the three polar bears by chasing themdown. During theat year Tom Brower built a store at the Oliktok Point suring the summer. Mr. George Wood was the Store manager at the point. While we were still living off the land I am aware that Tukle's had a house where they trapped out of during the trapping season. We traveled all around the area even as far as the colville river. Tukle's would trap at the Oliktok Point and I am aware that the Tukle;s used Oliktok P Point as there central home for the seasons for many years.

I hopethat God will give the state and federal governments a fair and just heart to make the right decision on the mtter of Joash Tukle's claim of native allotment at Oliktok Point. My name is Issac Ekolook I am done talking.

NATIVE ALLOTMENT FIELD REPORT TITLE PAGE

State ALASKA	District FAIRBANKS	
County NORTH SLOPE BOROUGH	Resource area ARCTIC	Planning Unit
Type of Action NATIVE ALLOTMENT FIELD REPORT		Serial Number F-11956
Applicant's name Joash Tukle	Address (include zip code) P.O. Box 157 Barrow, AK 99723	

Date(s) of examination July 17, 1983

LANDS INVOLVED

TOWNSHIP	RANGE	MERIDIAN	SECTION	SUBDIVISION	ACRES
13N	9E	Umiat	5	Protracted Survey	160

Purpose of report

Compliance with the Native Allotment Act of 1906.

Prepared by Keith L. Cook Keith L. Cook	Title Realty Specialist	Date of report 7/19/83

We concur with the conclusions of this Field Report.

W. L. Clithero 8/8/83
Supervisory Realty Specialist Date

M. Thomas Dean 8/8/83
ARCTIC AREA MANAGER Date

NATIVE ALLOTMENT FIELD EXAMINATION

Case No: F-11956 Parcel:

Sec: 5 T: 13N

R: 9E Mer: Umiat

Name of Applicant: Joash Tukle

Date of Birth: 6/23/26

Area or Village: Nuiqsut - lives in Barrow

Examiner: Keith L. Cook

Date of Field Exam: July 17, 1983

Interviewed: July 16, 17, 18, 1983

A. TRACT LOCATION

1. a. USGS 1" = 1 mile location map (quad):

Beechey Point B/C-5 located at Oliktok Point.

b. Tract located as described in application: _____Yes __X__No
If no, explain:

See attached.

2. Does tract length ratio exceed 4 to 1 or exceed 160-rod shore space limitation: __X__Yes _____No If yes, explain:

Reference 2094.2 a "cursory" review of the subject lands at the time of the application would indicate the area is not needed for dockage or wharfage. Dockage facilities have now been built (1982) in support of the oil exploration and development program on the North Slope.

3. Land posted: __X__Yes _____No If yes, describe:

BLM location marker (metal) was attached to a four-foot rod and driven into the ground on the east shore of Oliktok Point.

4. Access to tract by applicant:

See attached history of use.

5. Examiner accompanied by applicant to tract or authorized representative: _X_ Yes ____No If not, why:

Joash Tukle accompanied examiner and located the parcel.

6. Others present during field exam:

Dan Gullickson (BLM Public Relations), Mike Macholsky, pilot for helicopter, Mr. Sattlemier, maintenance worker at Oliktok DEW Line Station. Above parties did not accompany the applicant and this examiner to the specific site itself.

LAND USE AND OCCUPANCY

1. Was use initiated prior to effective date of any withdrawal or State Selection: _x_ Yes ____No ____Unknown. Explain:

See attached history of use.

2. History of land use by the applicant (dates, type of use, circumstances, etc.):

See attached history of use.

3. Are there any conflicts to applicant's exclusive use of land? (Explain):

Yes - land is currently developed as a dock with access road by ARCO (built 1982). The State has issued a tide land lease ADL 403737. The subject lands have been TA'd to the State of Alaska. Federal status plats also show the area withdrawn, PLO 1851 (5/14/59) previously withdrawn by PLO 1571 (12/26/57). State selection application F-031783, 12/14/64; date of TA October 16, 1964.

4. Evidence of use on parcel claimed by applicant:

   a. Man-made (cabin, cache, tent frame, fish wheel, boat dock, fish racks, etc):

   See attached.

   b. Signs of use (boxes, firepits, trails, firewood cutting, cabin logs, etc.):

   See attached.

   c. Are natural resources there to support claimed use? (Berry picking areas, wildroots, greens, hunting, fishing, etc.):

   Yes.

5. Applicant's personal knowledge of the parcel:

   The applicant was very knowledgable of the area. There is no doubt that the applicant has had extensive use of the area.

C. OTHER FIELD DATA

1. Antiquities, archaeological, cultural values in area: __X__ Yes ____ No

   Grave yard - see attached.

2. Does land appear to be mineral in character: __X__ Yes ____ No If yes, explain:

   Oil exploration.

3. Other improvements on or near the parcel (powerlines, pipelines, telephone lines, etc.):

   Allotment F-14599 has two cabins located on it--one belonging to Baxter Adams and one belonging to Patsy Tukle.

4. Access routes on or near the parcel:

   Road has been constructed west to Oliktok from Kuparuk by ARCO.

D. CONCLUSIONS

See attached.

E. SURVEY INSTRUCTIONS

~~Beginning at corner No. 1, a metal stake located on Oliktok Point between the constructed access road and the east shore of the Beaufort Sea just south of the constructed dock within the NE 1/4 of protracted Section 5, T13N, R9E, Umiat Meridian, as shown on USGS Quad Map, scale 1:63,360 Beechey Point (B-5) Alaska; thence southwesterly along the mean high water mark of the Beaufort Sea approximately 40 chains to corner No. 2; thence southeasterly approximately 40 chains to corner No. 3; thence northeasterly approximately 40 chains to corner No. 4 located on the mean high water mark of the Beaufort Sea; thence northwesterly approximately 40 chains along the mean high water mark of the Beaufort Sea to close at corner No. 1, the true Point of Beginning.~~

~~Corners 2, 3 and 4 may be adjusted as necessary to include 160 acres within the tract.~~

SEE SUPPLEMENTAL INSTRUCTIONS DATED 8/19/83.

REW

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Attachment
to
Native Allotment F-11956
Joash Tukle

Introduction

Mr. Joash Tukle was interviewed by this examiner with BLM employee Jim Eldridge at his home in Barrow on July 16, 1983. Joash was further interviewed on the identified allotment site at Oliktok Point (July 17, 1983) and again on July 18, 1983, with his son Alfred present, in Barrow.

Mr. Joash Tukle can communicate in English but had some difficulty with certain words and questions. This examiner repeated important questions and spent a good deal of time making sure our dialogue was understood. The following facts were gleened from the above interview concerning intent and history of use of the allotment.

History of Use

Joash was born east of the Colville River Delta at a place called Oliktok Point. He was the first of 13 children, 5 of which were born at Oliktok. Nomadic in his younger years he and his family ranged all over this northeastern part of Alaska. He used the islands off Oliktok Point, Oliktok Point, Milne Point, and up the Colville River extensively. Oliktok Point was used year round but saw a lot of use in the spring and summer. Joash, like his father, often traveled to Spy, Leavitt, and Jones Islands just off Oliktok Point for seal hunting and fishing. Early in the summer each year they would come back to Oliktok Point to fish (whitefish) before going on to the Colville River to do more hunting and fishing. One area he specifically used a lot is Nuekshat Island in the Colville Delta. The river channel here is very deep (between Anachlik and Nuekshat Islands) and is a good fishing spot. Joash stated that he used to sell whitefish in Barrow.

Joash said that his use of this area and Oliktok Point occurred every year. Oliktok Point was used in the winter for hunting and trapping and in the spring and summer for seal hunting and fishing. Even after he moved to Barrow he would seasonally use Oliktok Point and the surrounding area. In 1965 Joash took his family there to show the children where he was born.

June 23, 1926 -	Joash Tukle born at Oliktok Point.
1933 -	First time Joash Tukle went to Barrow.
1938 -	Second time Joash Tukle went to Barrow.
1940 -	bought cabin at Milne Point from Abraham Stein; used it for eight years before going to Barrow.

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1946 -	Picture taken by Mr. Helmerick . Oliktok Point of the Tukle family. Joash showed the picture to this examiner.
1948 -	Joash first moved to Barrow.
1950-1953 -	Joash worked for the Helmericks.
1955 -	Joash remembers trapping out of Oliktok Point.
1957 -	DEW Line Station started at Oliktok. Joash Tukle trapped at Oliktok Point this year.
1958 -	Joash Tukle married.
1957-1959 -	Joash Tukle worked at Oliktok DEW Line Station as laborer.
1965 -	Joash took family to Oliktok Point to show them where he was born.
May 5, 1967 -	First of two Native allotment applications filed.
1973 -	The last year Joash was at Oliktok Point.
August 18, 1978 -	First attempt by BLM to examine Joash Tukle's Native allotment.
1979 -	Benjamin Tukle passed away.
1980-1981 -	Joash sold his cabin at Nuiqsut.

Evidence Found

West of the Oliktok DEW Line Station are two cabins, one belonging to Baxter Adams (F-14589) and one belonging to Patsy Tukle (no application). Between the DEW line complex and these cabins is a cemetary with several graves (see photos). Just north of the DEW Line near the Beaufort Sea (west side of Oliktok Point) were located six root cellars. These root cellars have been destroyed by construction activities associated with the building of the military defense facilities. Joash pointed out where they were originally and located part of one root cellar (see photo). There used to be a house on the point east of the DEW Line Station but it washed away (erosion) long ago. Any evidence that was there now lies under tons of gravel used to construct an unloading pad for the current dockage facilities built by ARCO.

Location of the Native Allotment and the Applicant's Intent

The most important issue to this examiner was to properly locate the subject allotment according to the applicant's intent at the time of his filing his application. As stated by Joash, his allotment has been "like a ship on the ocean floating around". Clearly the intent of the applicant was to locate his parcel in the Colville area where most of his use has occurred. His original intent was to locate a good fishing spot. According to Joash, Nick Hugo (of Barrow) originally helped him with his application. Joash stated "when he made out his application he didn't have time to really think about where to place his Native allotment". Mr. Tukle stated that after he had done his paper work he later found out that Benjamin Tukle (F-11952) and Johnny Ahtuangaruak (F-14646) had put their allotments on the island across from Helmericks' place. This was the location he thought was on his allotment application. Joash stated that he originally wanted his allotment at Oliktok Point but someone told him he couldn't have it their because of the DEW Line Station. The reason that Joash identified the Helmerick area on Anachlik Island (8-18-78 field exam by BLM) was because of the conflict with Benjamin Tukle and Johnny Ahtuangaruak. Joash stated that there was fresh water over at the Helmerick island; "the lake is a good fresh water supply". Joash stated at this time during the exam he didn't have time to think about where to place his allotment. In addition, Joash said he was also told that he couldn't put his allotment over at Oliktok Point because of the DEW Line Station.

Many of the locations that Joash previously used are now taken by other people for their Native allotments. Joash has a cabin at Milne Point. Here Eunice Teerik (F-14643) has her allotment on his cabin. Joash stated he bought the cabin in 1940 from Abraham Stein and used it for eight years before moving to Barrow. The last time he was here was in 1967. Joash also believes Patsy Tukle has an allotment parcel on his cabin just west of the DEW Line Station next to Baxter Adams (F-14589, 160 acres). A check of Patsy Tukle's case file reveals that a second parcel was not granted because no application for Oliktok Point could be found.

Additional Information

The following people were given as references to verify Joash's use of Oliktok Point:

John Hugo - Anaktuvuk Pass
Nannie Woods - Nuiqsut
Alfred Lynn-Barter Island
Matt Ugarook - Barrow
Robert Paneak - Anaktuvuk Pass

Joash stated that he never signed any paper stating that he wanted or intended his allotment to be located at the Helmericks. Joash further stated that he has talked with BLM land examiners two or three times about his allotment. The last two people told him that he had to stay in the Colville River Delta. This is why he had his allotment in the Colville area. All the time he wanted his allotment at Oliktok Point.

Joash has seven sons and daughters, all born at Barrow.

Conclusion

1. The applicant has two brothers that have Native allotments within the Colville River Delta. The allotment description submitted to BLM incorrectly describes an application for Nuekshat Island.

2. The applicant did not intend to describe land now used by the Helmericks (F-128, F-168) on Anachlik Island. Furthermore, the applicant did not intend to describe land used by his brothers, Benjamin and Patsy.

3. Substantial use and occupancy at Oliktok Point on the part of the applicant has taken place.

4. The applicant claimed that he was not allowed to apply for land at Oliktok Point. His original intentions were for this location and he is not merely moving his claim to a better location.

Recommendation

This recommendation is based on the information provided this examiner
by the applicant; Secretarial Order 3049 of May 25, 1979 (Herman Joseph); and current guidance concerning occupancy, use, and amended or corrected applications (intent) found in IM 83-252 and supplemented by Secretarial Guidelines of October 18, 1973.

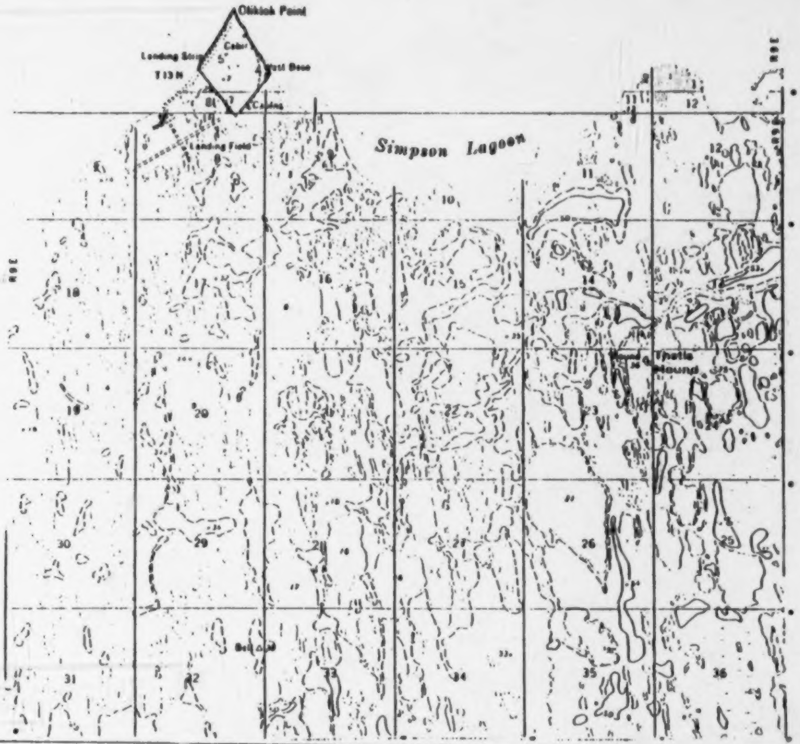
The subject allotment F-11956 should be granted.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Serial Number F-11956

SITE PLOT

Township 13 N, Range 9E, Umiat Meridian


Oliktok Point
Cabin
Landing Strip
Test Base
T13N
Casing
Landing Field
Simpson Lagoon
Thetis Mound
12
10
16
15
18
20
22
30
29
26
25
31
32
33
34
35
36

LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" = 1 Mile

OTHER DATA

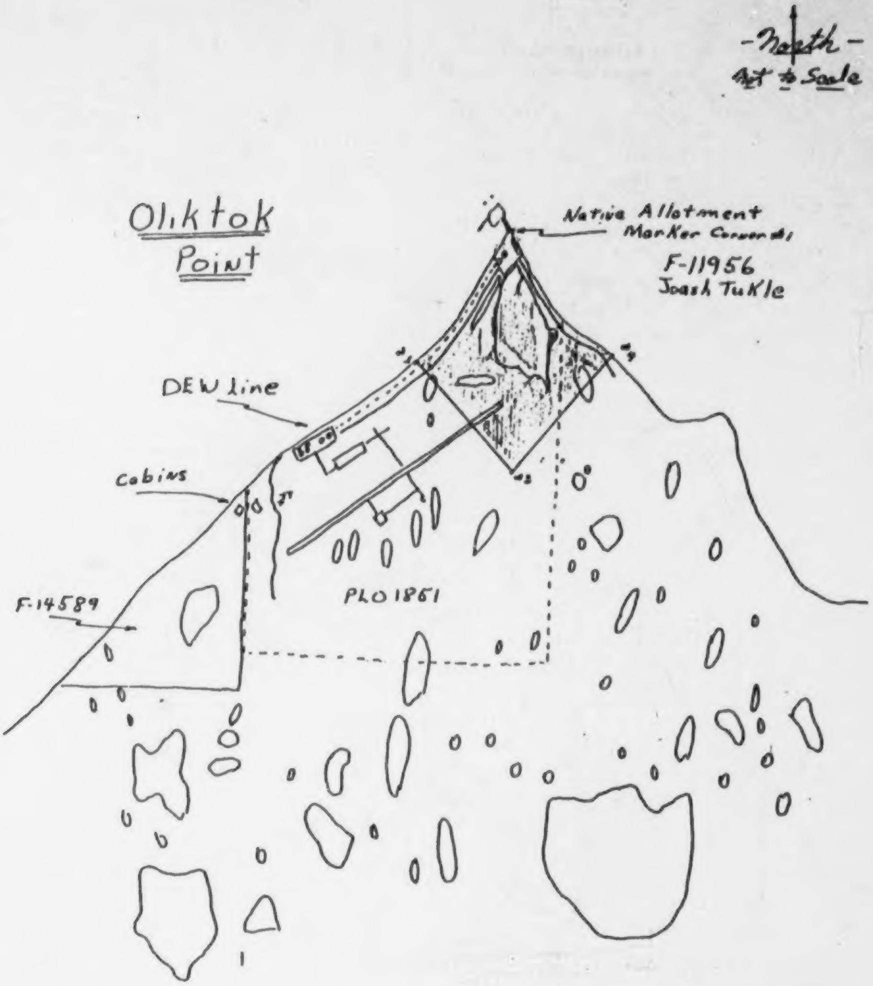
North

USGS BEACHEY POINT
(B-5 + C-5) 1955

GPO 880-771

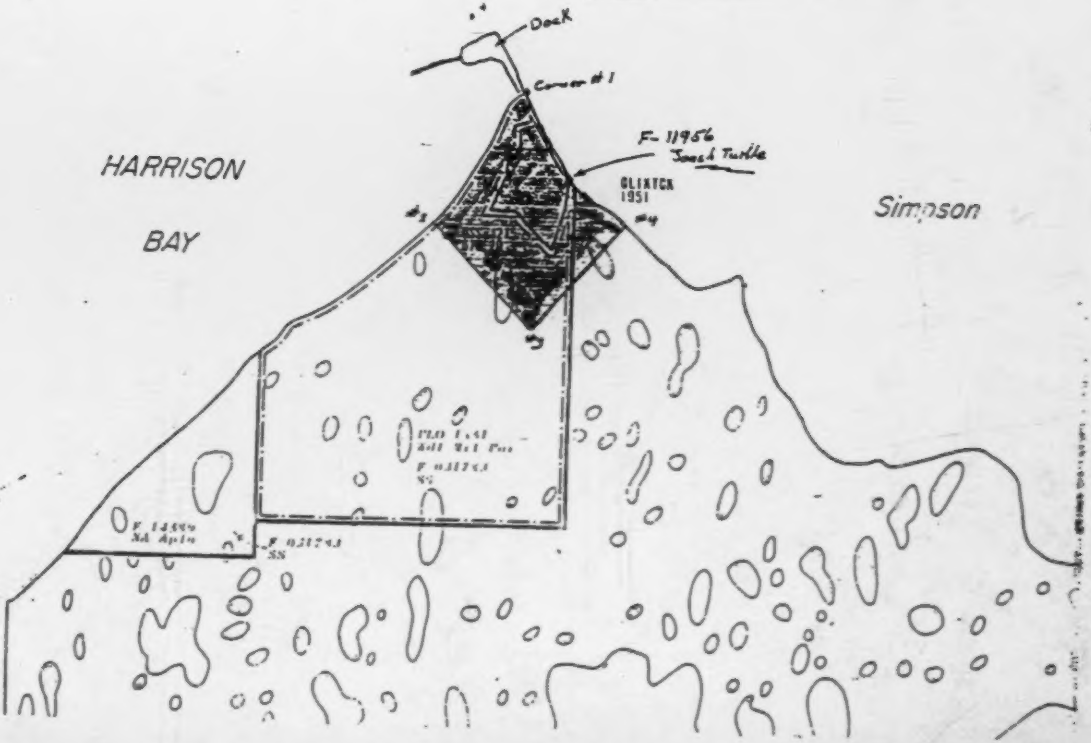
SITE PLOT

Form 2060-2 (January 1975)


-North-
Not to Scale
Oliktok Point
Native Allotment Marker Corner #1
F-11956
Joash Tukle
DEW line
Cabins
F-14589
PLO 1861

SURVEYED TOWNSHIP 13 NORTH, RANGE 9 E.

T13N, R9E, Umiat Meridian


Dock
Corner #1
F-11956
Jacob Tuttle
OLIKTOK
1951
#2
#3
#4
HARRISON
BAY
Simpson
F 031743
SS
F 031743
SS

I Joash Tukle all the
Time wanted my native
allotment at OKiKtok Point
Before they Say I had
to put it at Colvill
Delta, because the
Dew Line, Station.
I wanted My Allotment
at OKiKtok Point where
I was borne and used
For Fishing and Hunting
and to cross to Islands
to hunt Seal

Joash Tukle 18 July 83

witness / Keith L. Cook BLM 18 July 83

Alfred Tukle 18 July 83

1665
PLO 1571
12-26-57

[Public Land Order 1571]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but not the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) and reserved for use of the Department of the Air Force for military purposes:

[Fairbanks 012715]

CAPE SIMPSON

Beginning at a point on the south shore of Beaufort Sea, approximate latitude 71°03' N., longitude 154°43' W., from which point the U. S. C. and G. S. Triangulation Station "Marta" bears S. 5°50'55" E., approximately 3,110 feet, thence

S. 57°30'05" W., 3,420 feet;
N. 32°30'55" W., 2,030 feet;
N. 57°30'05" E., 3,390 feet;
Southeasterly, 2,040 feet along the shore of Beaufort Sea to point of beginning.

The area described contains 220 acres.

[Fairbanks 012716]

CAPE SABINE

Beginning at a point on the east shore of Chukchi Sea, approximate latitude 69°00' N., longitude 163°53' W., from which point the U. S. C. and G. S. Triangulation Station "Raven" bears S. 13°31'50" W., approximately 5,220 feet, thence

S. 55°10'45" E., 2,140 feet;
N. 34°49'15" E., 5,230 feet;
N. 55°10'45" W., 2,150 feet to a point on the shore of the Chukchi Sea;
Southwesterly, 5,240 feet along the shore of the Chukchi Sea to point of beginning.

The area described contains 258 acres.

[Fairbanks 012717]

KOGRU RIVER

Beginning at a point on the north bank of the Kogru River, approximate latitude 70°35' N., longitude 152°14' W., from which point the U. S. C. and G. S. Triangulation Station "Pete" bears N. 38°05' E. approximately 6,300 feet, thence

North, 7,420 feet to the mean high water line on the south shore of Harrison Bay;
Northwesterly, 5,100 feet along the mean high water line on the south shore of Harrison Bay;
South, 5,770 feet to a point on the north bank of the Kogru River;
Easterly, 6,930 feet along the north bank of the Kogru River to point of beginning.

The area described contains 700 acres.

[Fairbanks 012718]

OLIKTOK POINT

Beginning at a point on the shore of Beaufort Sea near Oliktok Point, approximate latitude 70°30' N., longitude 149°51' W., from which point the U. S. C. and G. S. Triangulation Station "Oliktok West Base" bears S. 41°17'08" E., approximately 2,200 feet, thence

S. 29°10'12" E., 13,300 feet;
S. 60°49'48" W., 8,220 feet;
N. 29°10'12" W., 11,380 feet to a point on the shore of Beaufort Sea;
Northeasterly, 8,425 feet along the shore to point of beginning.

The area described contains 2,325 acres.

[Fairbanks 012720]

WAINWRIGHT

Beginning at a point on the mean high water line of Wainwright Lagoon approximate latitude 70°37' N., longitude 159°51' W., from which point the U. S. C. and G. S. Triangulation Station "Alook" bears N. 29°30' E., approximately 6,670 feet, thence

N. 69°00' E., 8,900 feet;
N. 21°00' W., 9,580 feet;
S. 69°00' W., 11,720 feet to a point on the mean high water line of Wainwright Lagoon;
Southeasterly, 10,120 feet along the mean high water line of Wainwright Lagoon to point of beginning.

The area described contains 2,180 acres.

[Fairbanks 012719]

PEARD BAY

Beginning at a point on the mean high water line of the Chukchi Sea, approximate latitude 70°48'' N., longitude 158°16'' W., from which point the U. S. C. and G. S. Triangulation Station "Rise" bears S. 88°30' W., approximately 3,800 feet, thence

South, 11,600 feet;
West, 5,450 feet;
North, 11,670 feet to a point on mean high water line of the Chukchi Sea;
Easterly, 5,400 feet along the mean high water line of the Chukchi Sea to point of beginning.

The area described contains 1,400 acres.

[Fairbanks 012721]

POINT MCINTYRE

Beginning at a point on the shore of Beaufort Sea, approximate latitude 70°24' N., longitude 148°40' W., from which point the U. S. C. and G. S. Triangulation Station "Stump 2" bears N. 71°00' E., approximately 6,100 feet, thence

South, 6,020 feet;
West, 6,920 feet;
North, 7,480 feet to mean high water mark on the shore of Beaufort Sea;
Easterly, 6,380 feet along the mean high water line to point of beginning.

The area described contains 1,100 acres.

[Fairbanks 012722]

ICY CAPE

Beginning at a point on the south shore of Kasegaluk Lagoon, near Icy Cape, approximate latitude 70°18' N., longitude 161°56' W., from which point the U. S. C. and G. S. Triangulation Station "Acacia" bears N. 23°10' W., approximately 6,530 feet, thence

S. 49°30'16" E., 2,280 feet;
S. 40°29'44" W., 2,480 feet;
N. 49°30'16" W., 2,810 feet to a point on the shore of Kasegaluk Lagoon;
N. 27°14'44" E., 1,900 feet;
S. 76°45'16" E., 1,120 feet to point of beginning.

The area described contains 160 acres.

[Fairbanks 012723]

POINT LAY

Beginning at a point on the east shore line of Kasegaluk Lagoon opposite Point Lay, approximate latitude 69°43' N., longitude 163°00' W., from which point the U. S. C. and G. S. Triangulation Station "Beth" bears S. 58°00' W., approximately 13,800 feet, thence

East, 12,300 feet;
North, 8,560 feet;
West, 13,770 feet to a point on the mean high water line on Kasegaluk Lagoon;
Southerly, 12,070 feet along the mean high water line on Kasegaluk Lagoon to point of beginning.

The area described contains 2,875 acres.

The AFN Report on the Status of Alaska Natives: A Call for Action

ESKIMO
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f
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INDIAN
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INTRODUCTION

This report summarizes health, social and economic data that describe the current status of Alaska Natives. The data indicate that, despite improvements in health, educational opportunity, standard of living and access to government services, an increasing number of Natives face grave risks and declining economic opportunities. The report documents a social, cultural and economic crisis in Native villages, analyzes its causes and suggests new policies and governmental priorities.

In many Native villages the rates of health and social problems, particularly those engendered by alcohol abuse, are abnormally high, and many are accelerating. The segments of the Native population least capable of protecting themselves, notably children and young adults, are most at risk.

The data are stark. Absent timely and dramatic action, they indicate that the prognosis for positive change is poor. Time is running out.

Over the past two decades, the federal and state governments have invested millions of dollars in rural Alaska. Although important improvements have been made (e.g., public works and improved delivery of government services) the investment has not established an economic base sufficient to enable Natives living in rural villages to build an economically self-sustaining future or to prevent the accelerated disintegration of traditional cultures. Indeed, in recent years, the pace of economic, social and cultural change in Native villages has been so rapid and the change so profound that many Natives have been overwhelmed by a world not of their making - a world of conflicting values and increasingly limited economic opportunity. For many Natives, the sense of personal, familial and cultural identity that is a prerequisite to healthy and productive life is being lost in a haze of alcohol-induced despair that not infrequently results in violence perpetrated upon self and family.

But in acknowledging that grim reality, the data in this report summarize the status of Alaska Natives in the aggregate and should not be confused with the personal status of all 75,000 Alaska Natives. Most Native people, whether they live in village or city, are coping with change, maintaining their families and cultures and trying to help others do the same. Indeed, Native people have a long history history of active involvement in efforts to improve life in their own communities. Non-profit Native regional corporations, village governments and other Native institutions have been organized to provide technical and other resources to assist in that endeavor.

Government in its many forms has been a valuable partner in the effort. However, despite the fact that government programs have brought needed services and improvements, they have been provided at high cost: a loss of Native control over community, family and self that frequently exacerbates the very problems the programs are intended to eliminate.

Government and Alaska Natives need to forge a new partnership while there is still time to do so. But in seeking innovative solutions to problems of social and economic change, the new partnership must acknowledge and respect the fact that Alaska Natives are a people of the land and that maintaining traditional relationships to land they have historically used and occupied is essential to the physical, emotional and cultural well-being of all Alaska Natives, whether they live in the village or one of Alaska's urban areas.

The stakes are high and the challenges immense. But if Alaska Natives and the federal and state governments jointly commit themselves to developing and implementing new policies to address today's problems, progress is possible. To that end, this report is a call to action.

NATIVE HEALTH: A PLAGUE OF ALCOHOL ABUSE VIOLENCE AND SELF-DESTRUCTION

> Across the state more and more Alaska Natives are
> killing themselves and damaging their loved ones,
> deciding that life's no longer worth cherishing.
> Almost always, alcohol is their final companion.
>
> Anchorage Daily News
> January 1988

Since 1907 when Congress first committed the resources of the federal government to improving Native health (see appendix), the Indian Health Service (IHS), the Alaska Department of Health and Social Services and Native regional health corporations have made significant progress in eradicating infectious diseases.

Tuberculosis, for example, was once a major cause of Native mortality. Between 1926 and 1930 the disease accounted for 35.5 percent of all Native deaths, as compared to 4.7 percent of white deaths. Of 2,010 Eskimos examined during the same period by the Bureau of Education physician stationed at Nome, 16 percent were diagnosed as having tuberculosis in some form. In 1936 the Bureau of Indian Affairs estimated the Native death rate from tuberculosis at 655 per 100,000 as compared to 56 per 100,000 for whites. As recently as 1946 tuberculosis accounted for 43 percent of all Native deaths. Treatment required quarantine for long periods of time, frequently in hospitals distant from a patient's home village, a medical intervention that saved lives but disrupted Native family life.

In addition to tuberculosis, other infectious diseases, all introduced by whites, periodically rolled like waves through Native villages. As early as 1819, a smallpox epidemic killed 68 Natives living near the Russian American Company trading posts at Sitka and Kodiak. In 1837 a second smallpox epidemic swept through Native villages from the Alaska Panhandle to the Arctic Ocean. In 1919 an influenza epidemic killed 1,500 Natives living on the Seward Peninsula. According to Territorial Governor Thomas Riggs, "Whole villages of Eskimos lost their entire adult population. Many infants were frozen in their dead mothers' arms." In 1940, diphtheria decimated villages throughout rural Alaska. In 1945 an influenza epidemic killed 9 Natives at Barrow, the northernmost community in the United States, before moving village to village along the coast of the Arctic Ocean. In the 1950s came polio.

However, in recent years, many of the most virulent infectious diseases that have historically afflicted Native people have been arrested. Only 13 Alaskans died of tuberculosis between 1981 and 1988. In the 1940s average life expectancy in rural Alaska was 35 years. It is now 67 years, although life expectancy for Native males is still 10 years less than that for white males. In 1950 the rate of Native infant mortality was more than 100 per 1,000 live births, one of the highest rates in the world. By contrast, by 1988 the Native infant mortality rate had fallen to 22 per 1,000 live births.

Although Alaska Natives have never been more free from communicable disease, a new epidemic has emerged. In a 1988 speech to the Alaska Federation of Natives Convention, Dr. John Middaugh, the State Epidemiologist, characterized the present status of Alaska Natives as a "health crisis," and a "modern plague of our young." The plague has a name: alcohol abuse.

More insidious than tuberculosis or influenza, alcohol abuse is a common plight of cultures in transition. Although its causes are complicated, the pathology of alcohol abuse includes a cycle of despair which breeds hopelessness and violence and too frequently ends in suicide and death.

In January 1988 the Anchorage Daily News published a series of investigative articles entitled "A People in Peril." The articles documented the heartbreaking epidemic of suicide and violent death among Alaska Natives. Although the series may have been shocking in the cities, the story was old news in the bush, where virtually every Native family has been affected by alcohol abuse and senseless death.

Even more tragic, much of the violence is perpetrated by family members upon other family members, particularly children. Once inflicted, alcohol-induced child abuse bequeaths the legacy of despair and violence to the next generation.

The details of the Alaska Native health crisis are presented in the following pages by five categories of data: suicide, homocide, accidental death and injury, crime and incarceration and children in peril.

SUICIDE

> (Alakanuk, Alaska) In March 1985, a young man walked out onto the tundra behind this Yukon River village and carefully, neatly shot himself in the heart . . . The sound of the shot rolled across the flat delta land through the suppertime darkness of a cold spring day. It breached the walls and windows of the wooden houses, marking the moment as a beginning, for Louie Edmund had begun a 16-month suicide epidemic that ended the life of eight young villagers . . . In a community of 550 people, eight suicides is the equivalent of more than 3,000 in Anchorage. It is an unimaginable tragedy.
>
> Alakanuk's Suicide Epidemic
>
> Anchorage Daily News
> January 1988

In 1950 there were six reported Native suicides in Alaska, a rate below the national average; but by the 1970s the Native suicide rate had exploded. Between 1980 and 1985, suicide moved up the ladder from the eighth to the fourth leading cause of Native mortality. Despite enormous advances in health care and the delivery of social services to villages, the Native suicide rate has continued to accelerate, a trend that most experts agree shows no signs of abating.

For all ages, the Native suicide rate is almost four times the national average (Table 1).

Alaska Native Mortality and Morbidity

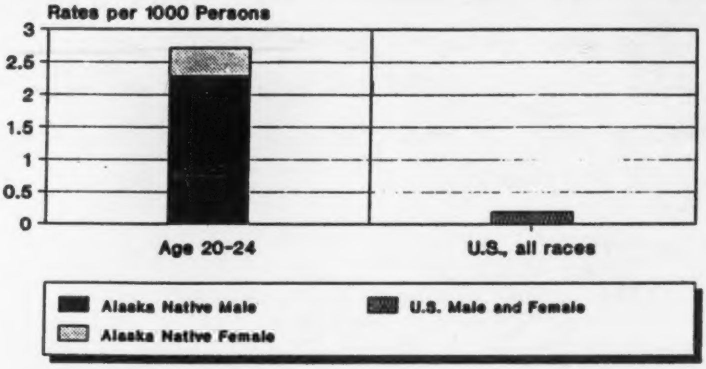
Selected Comparisons to U.S. Conditions

Cause of Death or Disease	Multiple of U.S. Incidence
Suicide	4 times the U.S. rate
Homicide	4 times the U.S. rate
Death due to injury (accidents)	5 times the U.S. rate
Postneonatal mortality	Over 2 times the U.S. rate
SIDS	At least 2 times the U.S. rate
tuberculosis mortality	23 times the U.S. rate •
respiratory disease mortality	Over 2 times the U.S. rate •
- infants only	10 to 14 times the U.S. rate •
FAS (fetal alcohol syndrome)	Over 2 times the U.S. rate
haemophilus influenzae B	3 to 5 times the U.S. rate •
- under age five only	4 to 8 times the U.S. rate •
infant pneumococcal meningitis	36 to 37 times the U.S. rate •

• Western Alaska Yup'ik populations only.

Table 1. Alaska Native Mortality and Morbidity

Figure 1 compares the average Native suicide rate, both male and female, with the average national suicide rate during the years 1982-84. It shows that Native males between 20 and 24 years of age are killing themselves at a rate 14 times the national average. Native women in the same age group are killing themselves at a rate five times the national average.



Source: Division of Public Health, Epidemiology Office (Alaska DHSS) and National Center for Health Statistics.

Figure 1. Average Suicide Rates (1982-1984), Alaska Natives in the High-Risk Group (Age 20-24), Compared to the U.S. Rate

Although individual causes of suicide are frequently difficult to determine, most Native suicides share the common denominator of alcohol abuse. More than three-fourths of the autopsy reports on Native suicides record measurable blood alcohol levels at the time of death.

The clear consensus among health professionals is that the increase in Native suicide will not be arrested, absent aggressive countermeasures. In particular, intervention should be focused on Natives between 10 and 29 years of age - those who are in, or about to enter, the highest-risk age group. However, since age groups with historically high suicide rates tend to retain high rates in later years, the adult population should also be closely monitored.

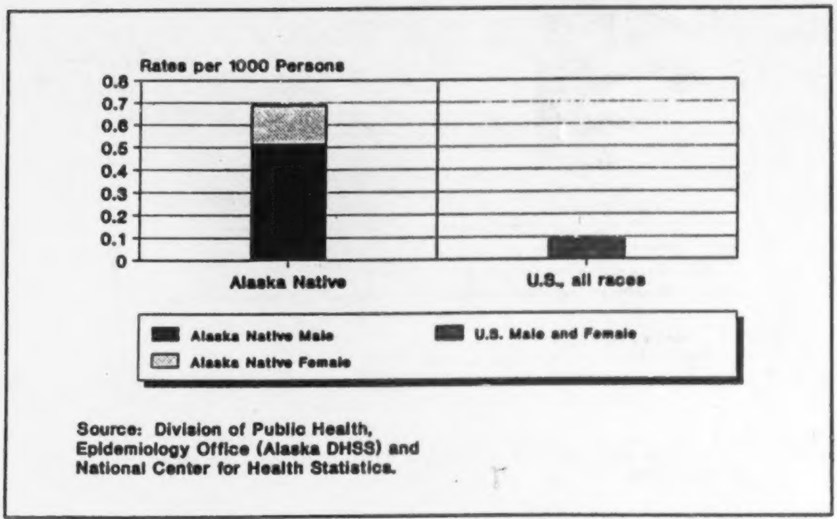
HOMICIDE

> (Pilot Point, Alaska) It was nothing really. A fight over a girl on an afternoon of whiskey and cocaine. But something in Chris Connors snapped. He got a gun and when he finished using it, three were dead and four injured.
>
> A Youth's Despair Erupts
>
> Anchorage Daily News
> January 1988

For the past decade, homicide has ranked as the sixth or seventh most common cause of death among Alaska Natives, a murder rate four times the national average.

Figure 2 compares the average Native homicide rate with the national average between the years 1982-84. Native male homicide victims outnumber Native women victims by about three to one.

Nevertheless, Native women face a higher risk of death by homicide than women elsewhere in the United States.

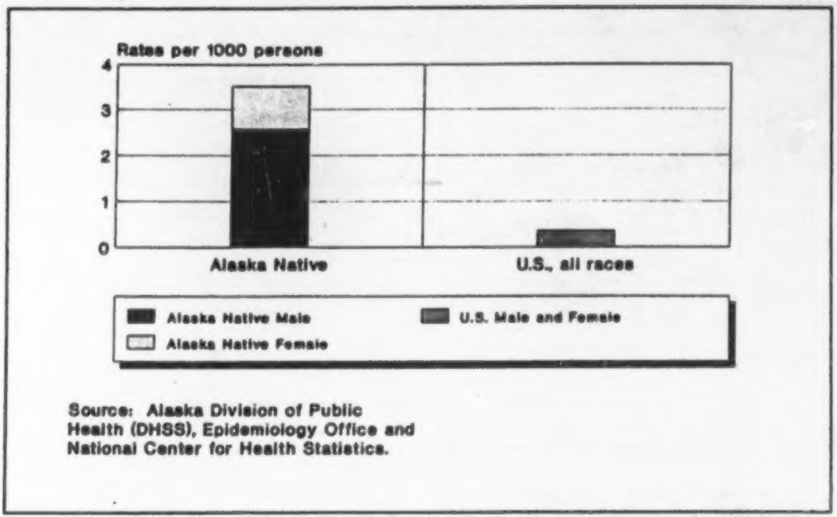


Source: Division of Public Health, Epidemiology Office (Alaska DHSS) and National Center for Health Statistics.

Figure 2. Average Homicide Rates, 1982-1984, Alaska Natives Compared to Overall U.S. Rate

ACCIDENTAL DEATH AND INJURY

Accidents are the leading cause of Native mortality. They are more than 50 percent higher than the second and third leading causes of Native deaths, cancer and heart disease. The Native accident mortality rate is more than three times the national average. Throughout the 1980s, accidents and injuries have been the first and second-ranked causes of hospitalization among Alaska Natives. Figure 3 compares average accidental death rates of Alaska Natives with the national average between the years 1982-84.



Source: Alaska Division of Public Health (DHSS), Epidemiology Office and National Center for Health Statistics.

Figure 3. **Average Accidental Death Rates, Alaska Natives Compared to U.S. Rate, 1982-1984**

On the surface the high accident mortality rate appears to be a natural consequence of living in a harsh physical environment. But as in suicide and homicide, alcohol-related violence accounts for a significant percentage of Native deaths due to accident. Indian Health Service records for inpatient services at the Alaska Native Medical Center in Anchorage indicate that from 1978 to 1987 between one-quarter and more than one-half of all injuries were intentional, i.e., either self-inflicted or inflicted by a second party.

CRIME AND INCARCERATION

In addition to the high Native death rates, alcohol abuse accounts for a substantial percentage of Native crime. In the past decade Alaska Natives have comprised between 14 and 16 percent of the statewide population. But approximately 25 percent of all persons arrested, 25 percent of all persons convicted of felonies and 34 percent of all persons incarcerated were Native. Fifty-nine percent of inmates incarcerated for violent crimes and 38 percent of those convicted of sex-related offenses were Native. In 1987 sexual assault in the first degree was the leading cause of incarceration among Natives. Available evidence indicates that between 80 and 100 percent of Native-perpetrated violent crime is alcohol-related.

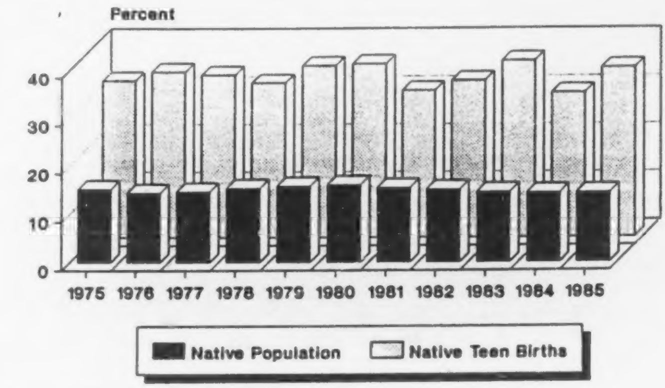
Because any legacy of alcohol abuse and violence is passed from generation to generation, the emotional stability and social adaptation of young adults entering parenthood inevitably impacts the children they will have. Young Native adults are a generation in peril, and, unless timely steps are taken, the next generation will be even more so.

CHILDREN IN PERIL

> When pregnant mothers drink, their babies can be born deformed or retarded -- doomed to a life of misery. No group in the United States has a higher rate of alcohol-caused infant deformities than Alaska Natives.
>
> A Curse Upon the Unborn
>
> Anchorage Daily News
> January 1988

In significant measure, infant health depends on maternal health and stability. Although Natives comprise 14 percent of Alaska's population, 30 percent of Alaska's teenage mothers are Native. These young women desire the best for their babies, but they frequently lack the maturity, parenting skills, family support and money needed to raise children. Native teenage mothers are a particularly high-risk group.

Figure 4 compares the proportion of Natives in the statewide population to the proportion of births by Native teenage mothers between the years 1975-85.

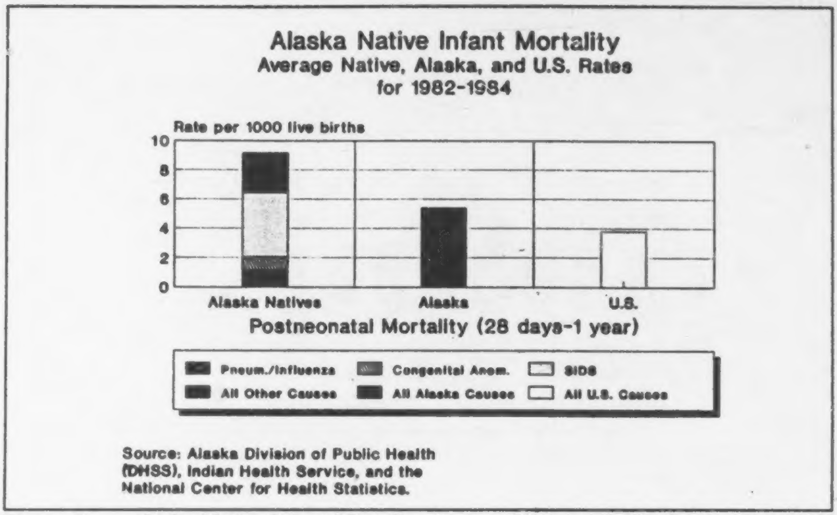


Source: Alaska DPH (DHSS), DOL.

Figure 4. **Births to Alaska Native Teenage Females, Native Population and Native Teen Births as Percentages of State Totals**

At birth, the health status of Native infants is good. Most Native mothers have access to IHS or other hospital care. Consequently, the Native neonatal mortality rate (i.e., death between birth and 28 days) is not a pressing problem.

The risks arise after birth. The Native infant mortality rate (i.e., death between 28 days and one year) consistently exceeds the national average. Although the causes of this disparity are poorly understood, they are probably environmental, since once an infant returns home, the risk of death increases. Figure 5 compares the average Native and national infant mortality rates between the years 1982-84, and identifies the leading causes of death for Native infants.



Source: Alaska Division of Public Health (DHSS), Indian Health Service, and the National Center for Health Statistics.

Figure 5. Alaska Native Infant Mortality, Average Native and U.S. Rates, 1982-1984

The Native mortality rate for Sudden Infant Death Syndrome (SIDS) exceeds the total national rate for all infant deaths. The Native rates for congenital anomalies (birth defects), influenza and pneumonia, when added together, are about half the total national infant death rate. Although more than 90 percent of Native infant deaths are autopsied, no clear cause of death can be determined for SIDS infants. Most experts agree that Native SIDS results from a combination of factors that include respiratory infections, low-level nutritional deficiencies and similar factors linked to inappropriate or inadequate parental care or to an infant's physical environment, e.g., overly cold or warm living conditions.

Native birth defects and infant pneumonia/influenza mortality rates warrant special attention.

Fetal alcohol syndrome (FAS), a condition engendered by maternal alcohol use during pregnancy (and, to an unknown extent, by fathers prior to conception) is a leading cause of Native birth defects. The Native FAS rate is more than twice the national average. FAS is also a leading cause of mental retardation among Alaska Natives. Since its cause is exclusively behavioral, FAS is preventable.

The high infant pneumonia/influenza mortality rate is a legacy of the Native community's low natural immunity to viruses historically introduced by whites. However, environmental factors that relate to the behavior of adults, including hygiene and nutrition, play an important role in the persistence of infectious disease.

Native children are also vulnerable to other infectious diseases that periodically appear in particular geographical areas. In some areas populated primarily by Eskimos, the incidence of hemophilus influenza B (HIB), a virulent infection with catastrophic potential to disable children, is higher than anywhere else in the world. In Alaska, HIB accounts for 68 percent of Eskimo meningitis cases, and the bacterial meningitis rate among Eskimos is ten times the rate elsewhere in the United States. In turn, meningitis is a leading cause of neurological deficiencies among young Natives, including deafness and paraplegia. Since neurological deficiencies frequently require lifetime care, the long-term consequences are costly in both social and financial terms.

In addition to disease and birth defects, child abuse and sexual assault pose their own risks. Since 1980, when 185 cases were reported, the incidence of sexual assault has dramatically increased. In 1986, more than 1,400 Native children were reported victims of sexual assault. The number of Native children receiving protection services from the State of Alaska has also increased, from 2,035 cases in 1984 to 3,109 cases in 1988.

The statistics set forth above document the alcohol-driven plague of violence and death that is shredding the fabric of family and community life in Native villages throughout Alaska. This epidemic has inflicted intolerable emotional and physical damage on Native people. The cycle of alcohol abuse, violence and death must be broken.

NATIVE DEMOGRAPHICS: A GROWING "AT RISK" POPULATION

> Despite substantial growth of the Alaska Native population, Natives constitute a smaller minority group in 1980 than in 1970 . . . The Alaska Native birth rate is likely to remain high . . . Although the Native population is becoming increasingly urban, most Alaska Natives will continue to live in small communities.
>
> Changes in the Well-Being of
> Alaska Natives Since ANCSA
>
> Institute of Social and Economic
> Research, University of Alaska
> November 1984

In 1880 there were 33,426 Indians, Eskimos and Aleuts living in Alaska, 98.7 percent of the total population of the Territory. However, since 1940 the rate of non-Native in-migration has far outpaced the Native birth rate. Today, there are 75,000 Alaska Natives, but only 14 percent of the 540,000 persons living in Alaska are Native.

The preceding section documented the Native social and health crisis. The following demographic data outline the future dimensions of the crisis. The data indicate that young Native adults, the age group most at risk, compose the largest segment of the Native population. Between now and the year 2000 the numbers of young adults will increase. The Native birth rate, already high, will also increase. Although an increasing number of Natives are moving to urban areas, most Natives will continue to live in rural villages.

The implication of these projections is ominous. During the next two decades young Native adults, many of whom have been brutalized by alcohol abuse, despair, violence and death in their homes and villages, will be having their own children. Unless the cycle can be broken, the projected high birth rate for young Native adults will create a new generation at risk in rural Alaska, far more numerous than the present one.

The demographic statistics that follow are presented by three categories: population growth, birth rates and geographic distribution.

POPULATION GROWTH

Figure 6 charts Native and non-Native population growth in Alaska from 1900 to 1980.

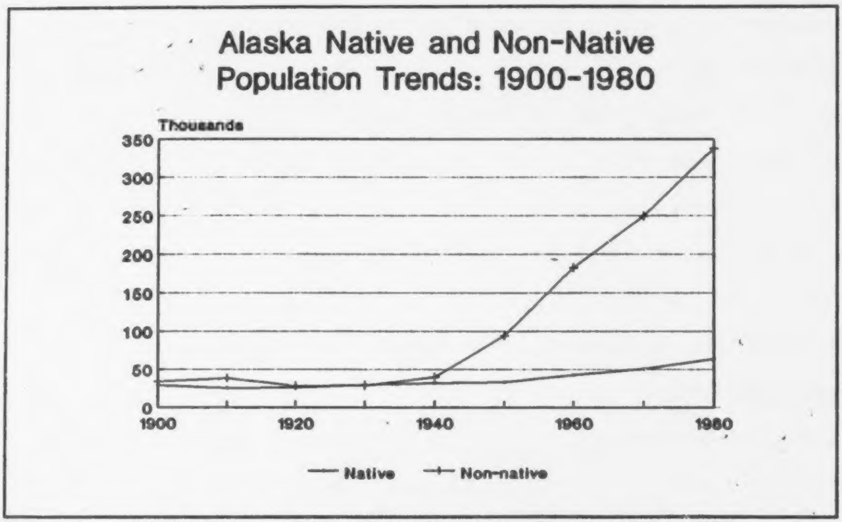
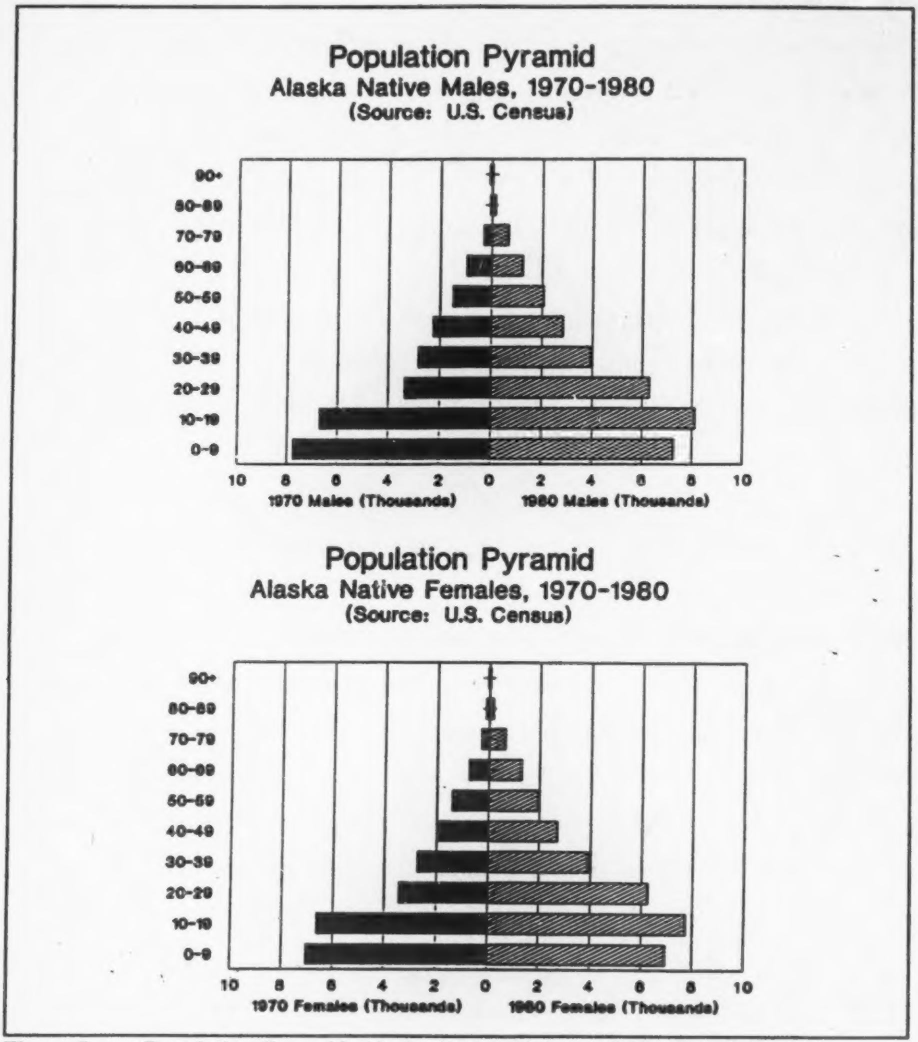


Figure 6. Alaska Native and Non-Native Population Trends: 1900 to 1980

Although the absolute number of Alaska Natives has increased, the Native percentage of the total population has steadily declined because of non-Native in-migration, mostly to Anchorage, Fairbanks and Juneau, since 1941. However, in rural Alaska, the majority of the population is, and will continue to be, Native.

Census data indicate that in 1980 there were 64,357 Natives living in Alaska. Another 22,500 Natives were estimated to be living outside the State. Between 1970 and 1980, the number of Natives living in Alaska increased by approximately 14,000 persons, and the number of Natives living outside increased by 4,500 persons. Thus, between 1970 and 1980, the Native population increased at an average annual rate of 2.4 percent, twice the national average. However, as the result of in-migration fueled by construction of the trans-Alaska pipeline and oil production at Prudhoe Bay, the non-Native population grew even faster during the same period, averaging 3 percent growth per year. As a result, despite their absolute increase, Natives as a percentage of the total population shrank from 16.7 percent to 16 percent.

Figure 7 documents the change in the number of Alaska Natives in different age categories between 1970 and 1980. The horizontal bars illustrate how each age group advanced or receded over the ten years between census counts. For example, by 1980 the Native males who were members of the 10-19 age group in 1970 had grown into the 20-29 age group, doubling the size of the latter group.



Population Pyramid
Alaska Native Males, 1970-1980
(Source: U.S. Census)

Population Pyramid
Alaska Native Females, 1970-1980
(Source: U.S. Census)

Figure 7. Population Pyramid, Alaska Native Males and Females, 1970-1980

As described in the preceding section, young Native adults are the generation most at risk, a generation that, due to the high Native birth rate, is continually expanding in size.

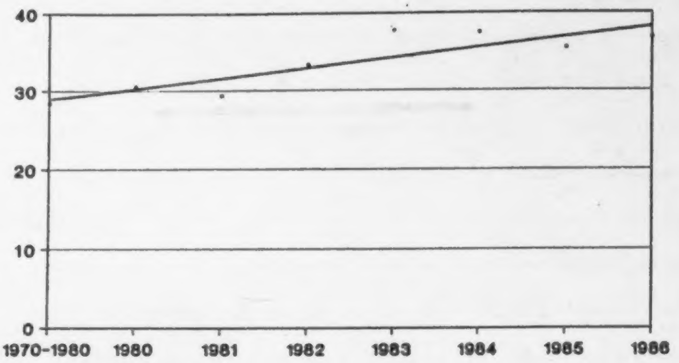
BIRTH RATES

Between 1970 and 1980 the average number of children born to Native women between 25 and 34 years of age dropped from 3.8 to 2.5. However, a large increase in the number of Native women who entered their child-bearing years during that decade more than offset the declining fertility rate. In 1970 10 percent of the Native population were women between 20 and 34 years of age. By 1980 the number of Native women in that age group had expanded to 14 percent of the population. As a result, despite the decline in the average number of children born per Native woman, between 1970 and 1980 the Native birth rate slightly increased. In 1980 the Native birth rate was more than twice the national average and 53 percent higher than the birth rate for non-Natives living in Alaska.

The high birth rate and the increasing number of women who are entering their child-bearing years have altered the Native age profile in a significant respect: an unusually large number of Alaska Natives are children. In 1980 23 percent of all Alaska Natives were under 10 years of age.

Because of the large number of female children who are under child-bearing age, the Native birth rate will likely remain high, particularly in rural villages.

Figure 8 illustrates the sharp rise in the Native birth rate in rural Alaska. It will soon overtake the rate of increase in Native births statewide.



Rate=Births per 1000 Population
Source: AANHS, Health Statistics
Section and Alaska DOL.

Figure 8. Alaska Native Rural Birth Rates, Four Rural Regions, 1980-1986 with 1970-1980 Comparison

Based on observed and projected birth rates, between 1980 and 1990 the number of Native children between 0 and 9 years of age living in rural Alaska will increase by 40 percent. This large population increase will place even greater strain on the limited natural and economic resources available to Native families and villages.

GEOGRAPHIC DISTRIBUTION

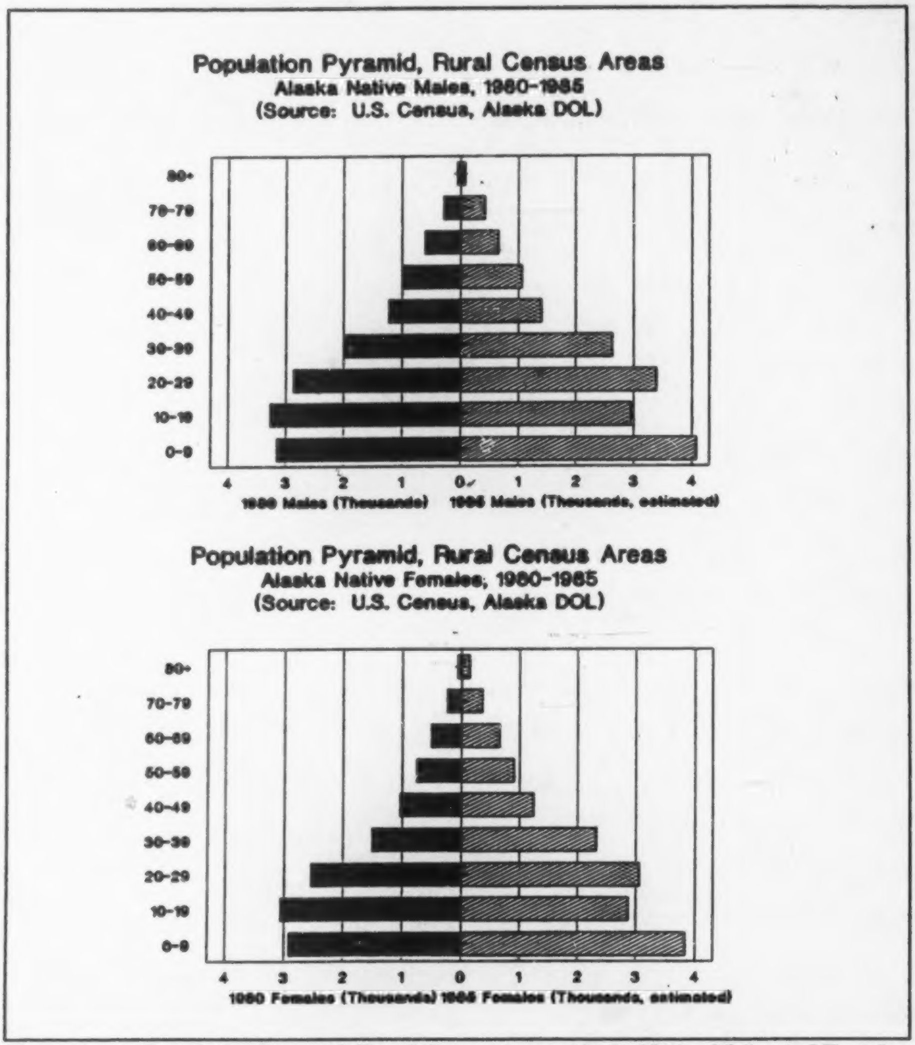
Between 1970 and 1980 the percentage of the Native population living in Anchorage, Fairbanks and Alaska's other urban areas increased from 17 percent to 31 percent. In some measure the increase resulted from a reclassification of certain rural locations from rural to urban between the 1970 and 1980 censuses. Consequently, analyzing the distribution of Native population by size of place in 1970 and 1980 presents a more accurate picture of geographic distribution.

Although the percentage of the Native population living in or close to Anchorage, Fairbanks and Alaska's other urban areas increased from 27 to 32 percent, in both 1970 and 1980 more than half of the Natives living in Alaska lived in communities with populations of less than 1,000 persons.

The increase in the number of Natives living in urban areas has not come at the expense of villages. Although the urban Native population is the fastest-growing segment of the statewide Native population, the number of Natives living in villages has been growing at an annual rate of 2.2 percent, a rate almost as high as that for total Native population growth (i.e., 2.4 percent).

Over 60 percent of Alaska Natives live in rural Alaska, a demographic reality that can be expected to continue despite the fact that Native population growth in the Anchorage and Fairbanks areas has been more than double the rate of growth in the statewide Native population. Assuming present trends continue, by the year 2000 more than 29 percent of the Native population will live in the Anchorage and Fairbanks areas, but more than half the Native population will still live in rural Alaska.

As Figure 9 depicts, the village population is young, Natives between 0 and 9 years of age and between 10 and 19 years of age being the two largest age groups. At its current rate of increase, the Alaska Native population will double in 26 years.



Population Pyramid, Rural Census Areas
Alaska Native Males, 1980-1985
(Source: U.S. Census, Alaska DOL)

Population Pyramid, Rural Census Areas
Alaska Native Females, 1980-1985
(Source: U.S. Census, Alaska DOL)

Figure 9. Population Pyramid, Rural Census Areas, Alaska Native Males and Females, 1980-1985

VILLAGE ALASKA: CONSTRAINTS ON ECONOMIC GROWTH

> You tell kids to graduate from high school. Then they graduate and so what? I think the poor kids are batting their heads against the wall. Is that the only choice? To sit in your house and drink and watch TV?
>
> Teacher George Curren
>
> Alakanuk School
> January 1988

In rural Alaska, most villages were originally sites from which Alaska Natives ventured forth to hunt, fish, trap and gather. However, locations that are ideally situated for the traditional subsistence economy, are frequently ill-suited to the non-Native cash economy. Consequently, the absence of jobs in the cash economy is a chronic problem in rural villages where unemployment rates far outstrip the state and national averages.

Most jobs in the cash economy are located in the cities, economic marketplaces where many Alaska Natives, far from home and lacking adequate education and work skills, are at a competitive disadvantage. Because most villages have a mixed subsistence and cash economy, subsistence activities periodically draw Natives, particularly males, out of the labor force competing for the few available village jobs.

During the 1970s, the Prudhoe Bay oil discovery, and the massive revenues that oil production generated for State government, radically altered the Alaska economy. But while the number of available jobs rapidly increased, the employment profile for Native men did not change significantly. Most new jobs were filled by non-Natives who moved to Alaska. On average, between 1970 and 1980, almost half of all Native men 16 years of age and older were outside the wage labor force at any given time.

During the same period, in most Native villages there was little real economic growth. For two decades the federal and state governments invested substantial amounts of money in rural Alaska, building houses, water and sewer systems, airstrips, electrical systems and other infrastructure. Government also made capital investments in village schools intended, in part, to improve the quality of the rural work force. The purpose of the investments was to stimulate self-sustaining economic growth.

Uncritically optimistic, the government's strategy assumed that rural Alaska possessed widespread, untapped and marketable resources sufficient to support village and regional economies. With few exceptions - such as the North Slope oil fields, the Bristol Bay and Bering Sea fisheries, the Red Dog mine in the northwest arctic and the increasing market for southeast timber - that assumption was wrong. Despite investment in infrastructure and education, in most Native villages the increase in self-sustaining economic growth has been minimal.

When Native population growth is factored into the equation, the future is even more disconcerting. Between 1980 and 2000, the Native population will almost double during a time when government spending that has funded most of the few jobs available in rural Alaska will be diminishing.

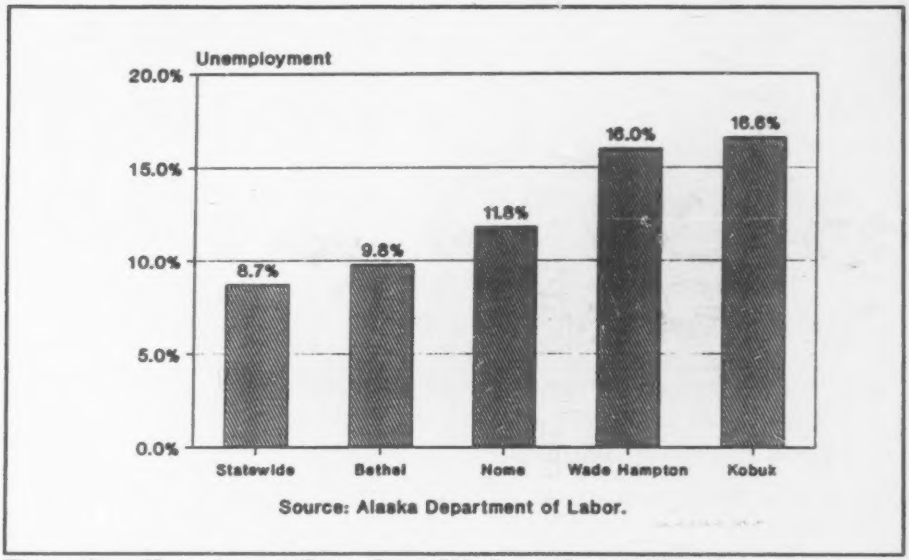
Data on employment, income and cost of living illustrate the situation.

EMPLOYMENT

Although the rural Alaska economy changed radically after the Second World War, by 1970, most Natives living in rural villages still participated in a material culture that operated outside the mainstream of the cash economy. Hunting, fishing, trapping and gathering dominated village economies. Unsurprisingly, the rural Native population lacked the education and skills that were prerequisites to effective participation in the cash economy centered in the distant urban areas.

Information on federal and state employment in Alaska generated by the U.S. Department of Commerce and the Alaska Department of Labor is compiled by census division. Figures 10 through 14 use a sample of four census divisions in western Alaska (Bethel, Nome, Kobuk and Wade Hampton). The four divisions have the largest number of villages and the highest percentage of Native residents of any census divisions in Alaska. In 1980 23,000 Natives lived in the four divisions, 85 percent of the total population.

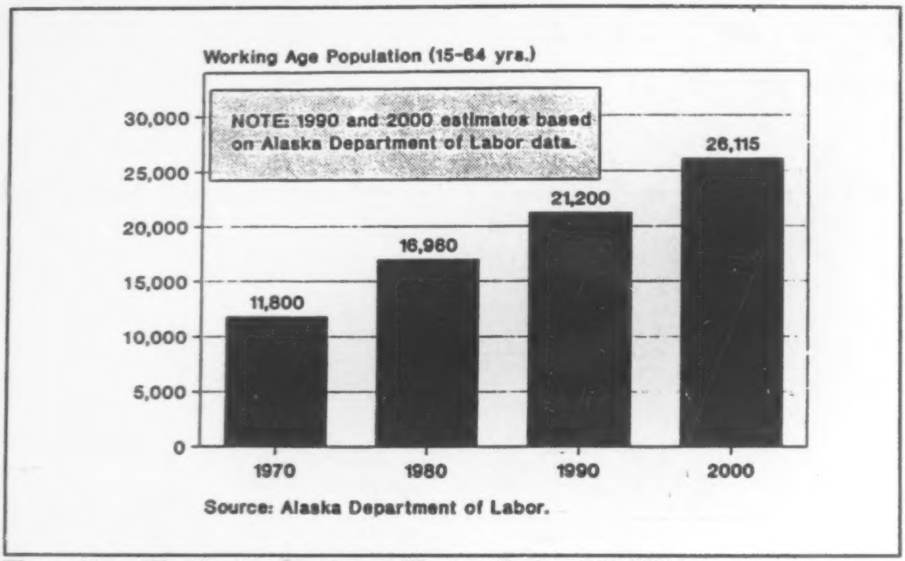
Figure 10 compares unemployment rates in each of the four census divisions with the statewide unemployment rate. In 1988 the statewide unemployment rate was 8.7 percent. In the four census divisions unemployment rates ranged from 9.8 percent to nearly 17 percent. Even more telling, only 42 percent of working-age Alaska Natives in the study group were members of the active labor force, as compared to nearly 86 percent of working-age non-Natives. Since no jobs are available in the villages in which they live and lack of education and work skills prevents them from competing for jobs elsewhere, 58 percent of the potential Native work force in the four census divisions simply stopped seeking work.



Source: Alaska Department of Labor.

Figure 10. Unemployment Rates, June 1988, Statewide and Select Census Areas

Figure 11 depicts the rapid growth of the working age population of western Alaska between 1970 and 1980 and projects the continued population increase between 1980 and 2000.



Source: Alaska Department of Labor.

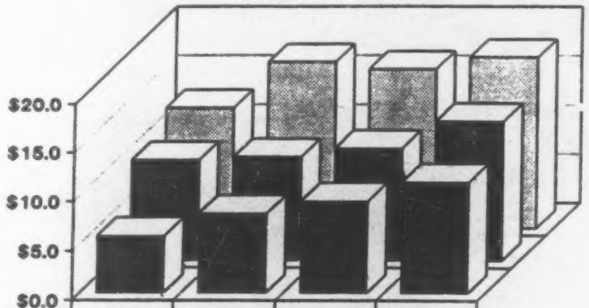
Figure 11. Working-Age Population, Western Alaska, 1970-2000

INCOME AND COST OF LIVING

Since 1970, western Alaska residents have made significant statistical gains in personal income, although to levels far short of the state and national averages. Figure 12 indicates that, despite the growth in government spending, between 1971 and 1986, the per capita income in western Alaska was significantly below the state and national averages. In 1986, the average Alaskan made $17,400 a year, the average American $14,200. But the average Native living in western Alaska made $11,300.

PER CAPITA INCOME, 1971-1986
U.S., ALASKA AND WESTERN ALASKA

Constant 1982 $ (Thousands)

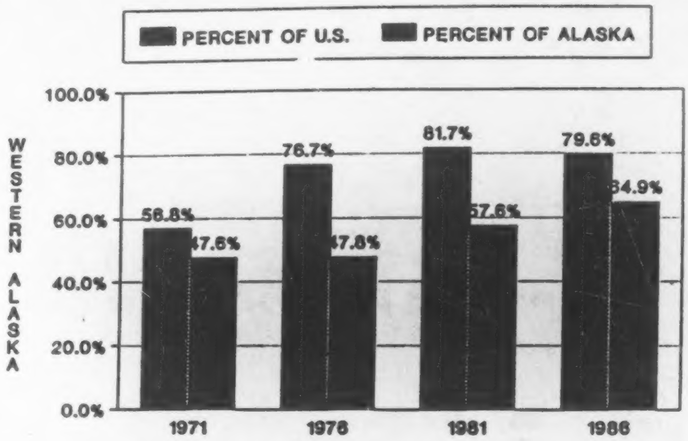


		1971	1976	1981	1986
Alaska	▨	$12,2	$16.9	$16.2	$17.4
U.S.	■	$10.2	$10.5	$11.4	$14.2
Western AK	■	$5.8	$8.1	$9.3	$11.3

Source: Bureau of Economic Analysis.

Figure 12. **Per Capita Income, 1971-1986, U.S., Alaska, and Western Alaska**

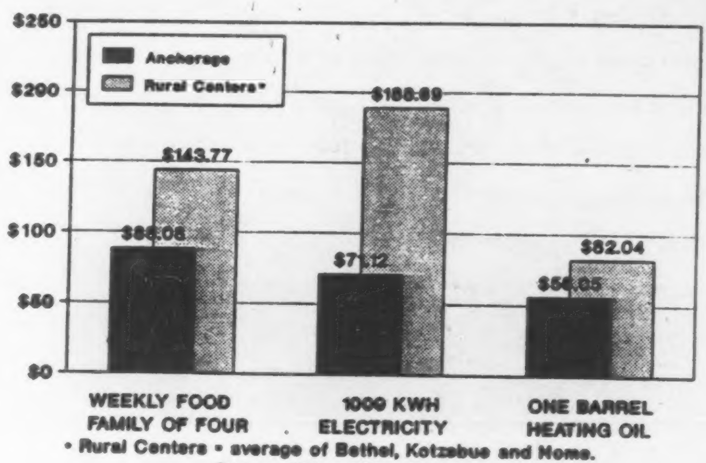
Figure 13 compares the ratio of per capita income in western Alaska to per capita income statewide and in the rest of the United States.



Source: Bureau of Economic Analysis.

Figure 13. Per Capita Income, 1971-1986, Western Alaska as Percent of U.S. and Alaska

In addition to having less money than Alaskans who live and work in the cities, because of the high cost of living the money Natives living in rural Alaska do have is worth less. Figure 14 indicates that the average Native family of four living in Bethel, Kotzebue or Nome spends 62 percent more per week on food, 165 percent more on electricity and 46 percent more on a barrel of heating oil than does a family of four living in Anchorage.



* Rural Centers = average of Bethel, Kotzebue and Nome.
Source: University of Alaska.

Figure 14. Cost of Select Items, March 1988, Anchorage vs. Three Rural Centers

VILLAGE ALASKA: THE ROLE OF THE PUBLIC SECTOR ECONOMY

Even if the subsistence economy is protected, Natives living in rural villages are dependent, and each year more dependent, on the cash economy. Heating oil, electricity, cotton, wool and fiber-filled clothing, coffee, sugar, televisions and other accoutrements of the American mass culture are omnipresent, non-negotiable elements of contemporary village life. As a result of consumer demand generated through education, television and other media, Native aspirations for access to the non-Native material culture can be expected to increase.

But satisfying consumer demand costs money. In most Native villages money can be acquired in only two ways: it can be earned or it can be given. Most villages do not have viable cash economies. There are few jobs, and little money can be earned. Consequently, too many Natives living in rural villages meet their material needs through government transfer payments. But government largess is not without cost. Economic dependence engenders low self-esteem that contributes to the cycle of depression, alcohol abuse, violence and death.

Since 1970 Native villages have become increasingly dependent upon non-local public money to support per capita income, wage employment, maintenance of community infrastructure and basic services. Fortuitously blessed with massive oil revenues, in the mid-1970s the Alaska Legislature began spending large amounts of public money in rural Alaska. State spending purchased capital improvements and community services and raised the level of per capita income in Native villages closer to that of urban residents. But the recent reduction in revenues occasioned by the decline in world oil prices has two potentially controversial implications for the State's effort to manufacture a rural economy.

First, the cost of maintaining and operating the infrastructure built with federal and state money (e.g., water and sewer systems, electrical generating systems, schools, community buildings and roads) is beyond the means of most villages and the Native families who live in them. Eventually, the cost also may be beyond the means of State government - or the Legislature's willingness to continue spending large portions of shrinking revenues in villages that contain a diminishing percentage of the electorate.

Second, while geographic mobility is an historic alternative to death or poverty, the effort to improve the village standard of living through State spending has discouraged out-migration: one of the ways in which non-Native communities have traditionally adjusted when the local economy can no longer sustain the population.

The construction and operation of village high schools has encouraged young Native adults to remain in their home villages. But since jobs are scarce, when they graduate, they are frequently frustrated by the inability to put their education and skills to productive use. Consequently, as the pool of young Native labor has expanded over the last 20 years, the pressure on the State and federal governments to provide village employment opportunities has intensified.

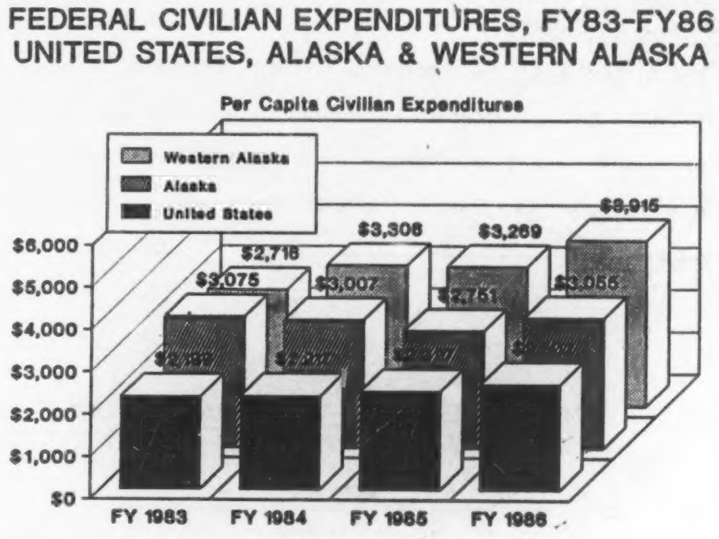
Having had the money to do so, government attempted to respond. As a result, since 1970 the public sector has dominated the village job market. However, it has not done so by creating proportionately more jobs in rural Alaska than it has in urban areas. Rather, the public sector dominates the rural economy because the private sector is underdeveloped.

To compound the problem, Alaska's version of the federal Davis-Bacon Act requires contractors to pay employees working in rural villages the same wages they pay employees working in the cities, a policy that discourages the use of semi- and unskilled local labor.

Information on the public sector economy of rural Alaska is presented in six categories: federal spending, transfer payments, government payrolls, grants, contracts and in-kind income, ANCSA corporations and impediments to economic development.

FEDERAL SPENDING

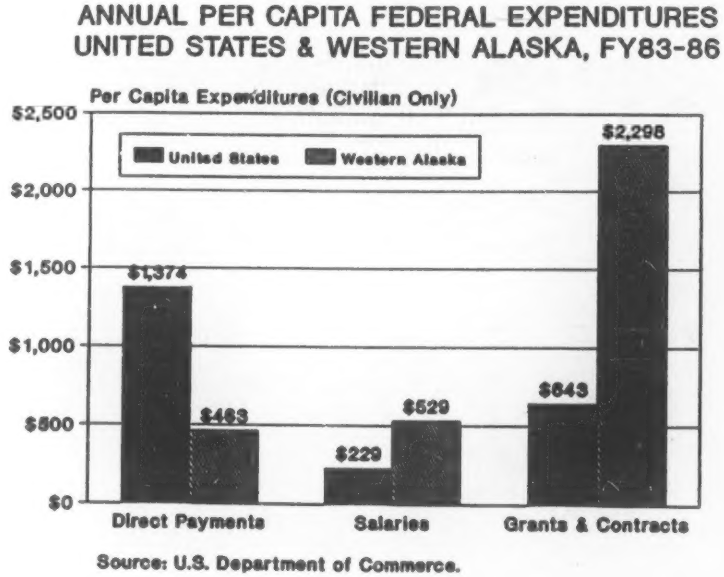
In rural Alaska, federal spending reflects the United States government's historic fiduciary commitment to protect the social and economic interests of Alaska Natives. Figure 15 indicates that in 1986 federal expenditures in western Alaska were $ 3,915 per capita, 46 percent higher than the national average of $2,502.



Source: Consolidated Federal Funds Report.

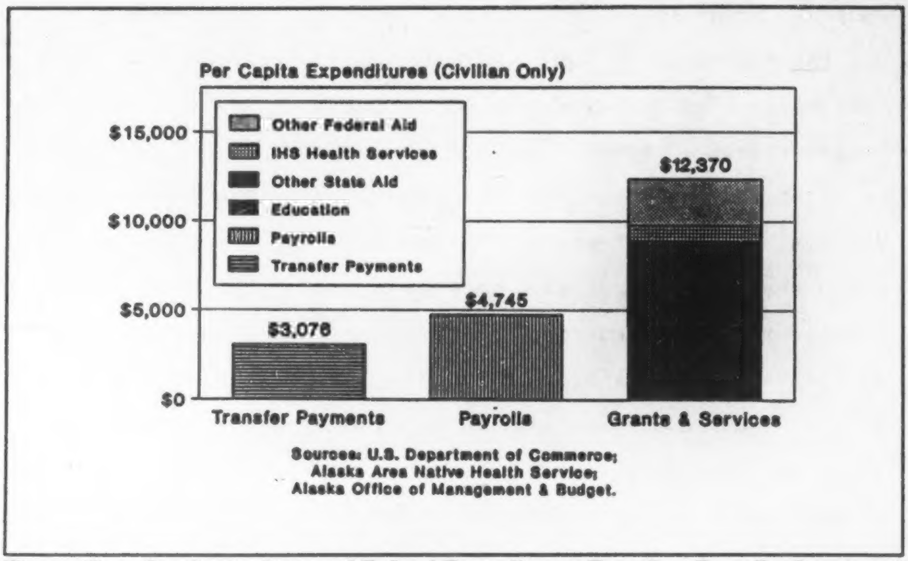
Figure 15. **Federal Civilian Expenditures, FY83-FY86, U.S., Alaska, and Western Alaska**

Nationally, direct payments to individuals (e.g., retirement and disability payments and income assistance) comprise the bulk of federal civilian expenditures, followed by grants, contracts and employee salaries. In western Alaska, the pattern is reversed. As Figure 16 depicts, in western Alaska between 1983 and 1986, the federal government distributed more than twice as much money through grants and contracts as it did through direct payments and salaries combined. As Figure 17 documents, the State of Alaska has taken the same approach.


ANNUAL PER CAPITA FEDERAL EXPENDITURES
UNITED STATES & WESTERN ALASKA, FY83-86

Source: U.S. Department of Commerce.

Figure 16. Annual Per Capita Federal Expenditures, U.S. and Western Alaska, FY83-86



Sources: U.S. Department of Commerce;
Alaska Area Native Health Service;
Alaska Office of Management & Budget.

Figure 17. **Per Capita State and Federal Expenditures: Transfers, Payrolls, Grants and Services, Western Alaska, FY 1986**

In broad measure, the thrust of state and federal spending in western Alaska has favored grants and contracts to support community facilities and service delivery over personal income transfers to individuals.

TRANSFER PAYMENTS

As an income category, "transfer payments" includes a number of types of payments other than income assistance. For example, in 1986 in western Alaska, state-administered income assistance payments (e.g., Aid to Families with Dependent Children, Food Stamps and Medical Assistance) amounted to $594 of the total $3,076 of transfer payments were distributed per capita.

Federal income assistance added slightly to that subtotal. The per capita remainder (approximately $2,400) was composed of retirement benefits, State of Alaska permanent fund dividend and longevity bonus payments and similar payments.

Interestingly, despite the poverty of Native families living in rural villages, transfer payments have not been the primary means that the federal and state governments have employed to bolster the rural economy. As Figure 18 demonstrates, although in 1986 the per capita distribution of transfer payments was a greater source of personal income in western Alaska than the state and national averages, earned income of $7,924 per capita significantly exceeded transfer payments.

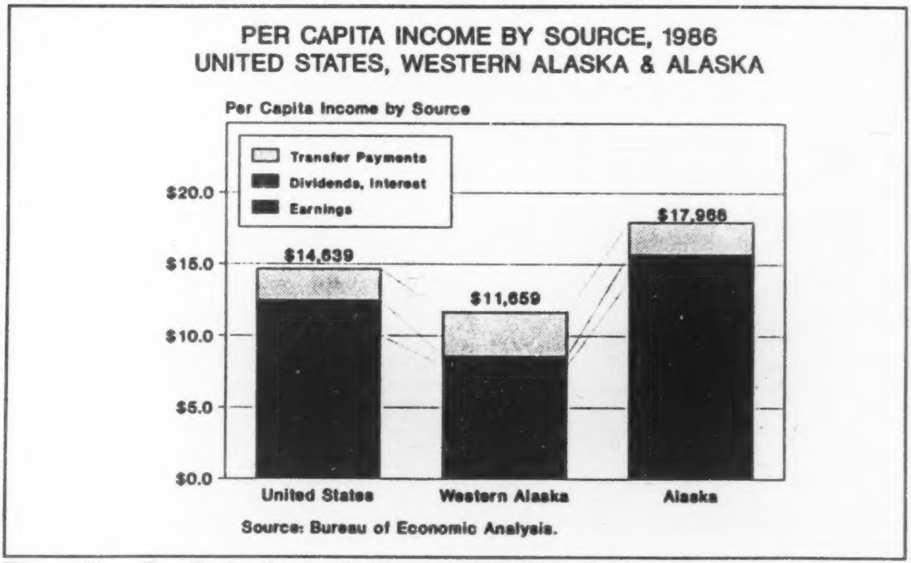


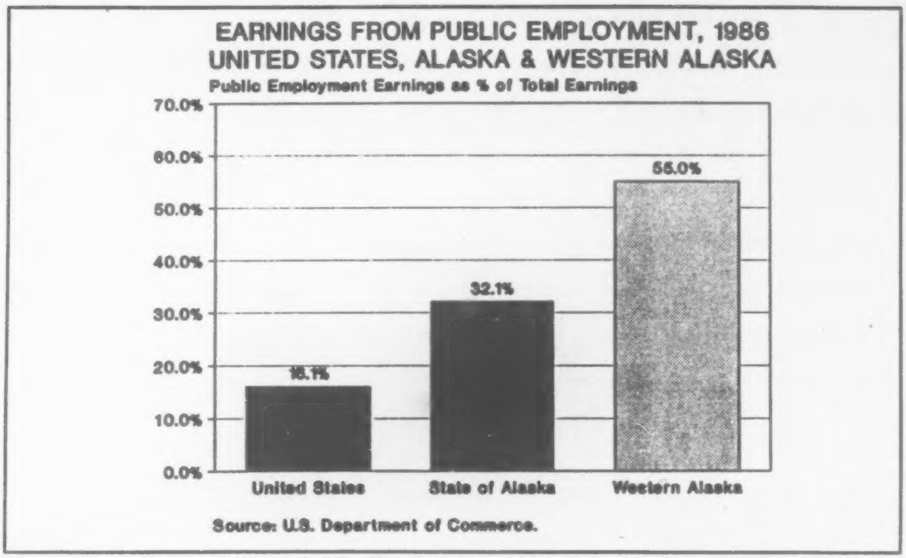
Figure 18. Per Capita Income by Source, 1986, U.S., Western Alaska, and Alaska

In dollar amounts, federal and state transfer payments are the least important type of financial assistance that government provides to Native residents of rural Alaska. Figure 16 illustrates that between 1983 and 1986 federal payments to individuals were approximately a third of the national average and represented less than 15 percent of federal expenditures in western Alaska. Similarly, Figure 17 indicates that in 1986 combined federal and state expenditures for salaries, grants and services substantially exceeded transfer payments.

GOVERNMENT EMPLOYMENT

For the most part, Natives who have jobs in rural Alaska work for government, particularly local government. Employment and payroll statistics, as well as the overall allocation of government expenditures, document the pattern.

Figure 19 indicates that in 1986 public employment in western Alaska accounted for 55 percent of all earned income, compared to 32 percent in the State of Alaska and 16 percent nationwide. In 1987 public employment in western Alaska accounted for 60 percent of all wage employment.



Source: U.S. Department of Commerce.

Figure 19. Earnings from Public Employment, 1986, U.S., Alaska, and Western Alaska

In 1987, local government and other public agencies employed approximately 80 percent of the government workforce, the balance being evenly divided between federal and state government. In western Alaska, local taxes and service charges are a minimal percentage of local government revenues, and no Alaska resident pays State income tax. Consequently, most local government employment is financed by the state and federal governments.

GRANTS AND CONTRACTS

As important as the federal and state governments are as sources of transfer payments and public employment in western Alaska, the value of transfer payments and public employment is dwarfed by the value of the employment the federal and state governments distribute through grants, contracts and direct delivery of services.

Figure 17 documents federal and state payments in western Alaska for grants and services in 1986. State and federal expenditures to finance the operation of village schools alone totalled $4,136 per resident, a third more than the total of all transfer payments. IHS expenditures for Native health care added another $877 per Native resident. The State spent $4,766 per resident for capital projects, grants, contracts, and services, and other federal expenditures totalled $2,591 per resident. In sum, in western Alaska during 1986 the federal and state governments together spent $12,370 per resident, a year in which per capita income in western Alaska was $11,659.

The types of goods and services that the federal and state governments purchase in rural Alaska vary from locality to locality. Major categories of public spending are schools, health services, subsidized housing programs, public works construction, utilities, transportation facilities, energy subsidies, manpower and social services, recreation programs and a range of municipal services.

The value of public expenditures for education and health care, housing and energy subsidies, capital construction and similar goods and services is not included in the calculation of per capita income, even though they are a significant percentage of goods and services consumed by local residents and are basic to maintaining the present standard of living in most Native villages. Federal and State spending of this nature is particularly important since, for reasons previously detailed, most Native families living in rural villages do not have sufficient income to support schools or purchase health care or unsubsidized housing or energy. Consequently, if federal or State spending were reduced or eliminated, the present marginal standard of living in Native villages would be reduced to dangerously low levels.

ANCSA CORPORATIONS

In 1971 Congress enacted the Alaska Native Claims Settlement Act (ANCSA). The Act required Alaska Natives to organize 13 regional and more than 200 village corporations to administer 44 million acres of land and $962.5 million that Congress paid to extinguish Native claims to Alaska based on aboriginal use and occupancy. Although many ANCSA corporations have made positive contributions to the political and social status of Alaska Natives in western Alaska, like other private sector business entities, few corporations have overcome the geographic and economic barriers that constrain rural economic development. During the next two decades, there is little likelihood that Native corporations will be able to expand the private sector economy significantly in rural Alaska.

In an area that, with minor exceptions, lacks commercially exploitable natural resources, the absence of entrepreneurial opportunity in western Alaska has frustrated the efforts of ANCSA corporations in the area to develop new local industry and commerce. For example, in 1987 Calista Corporation, Bering Straits Native Corporation and NANA Regional Corporation - the three regional corporations in western Alaska - reported operating losses. In that year gross revenues of the financially troubled Calista and Bering Straits Native Corporations were respectively $175 and $323 per Native shareholder. There is no possibility that ANCSA corporation revenues will ever be large enough to replace the role of federal and state spending in the rural economy.

IMPEDIMENTS TO ECONOMIC DEVELOPMENT

For the past two decades federal and state spending has expanded the economy and raised living standards in Native villages but has produced little permanent, self-sustaining economic growth. To date, the private sector component of the rural economy is skeletal.

In western Alaska, as each decade succeeds the last, the idea that private sector economic development is merely a matter of time and capital becomes increasingly implausible. Villages in the region are remote from markets; lack arable land, timber, energy and mineral resources; are saddled with high labor, energy, transportation, and communication costs and must contend with a dearth of local markets and a scarcity of investment capital. To varying degrees, the economic conditions in villages elsewhere in the state are similar.

NATIVE EDUCATION: A DISPROPORTIONATE SHARE OF MEDIOCRITY

In 1983 the National Commission on Excellence in Education characterized the United States as "A Nation at Risk." According to the Commission, "if an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war." Notwithstanding the cherished belief that "all, regardless of race or class or economic status, are entitled to a fair chance . . . for developing their individual powers of mind and spirit to the utmost," the Commission argued that "our society and its educational institutions seem to have lost sight of the basic purposes of schooling, and of the high expectations and disciplined effort needed to attain them."

Education in Alaska is no exception to the Commission's rule. In particular, the education offered in village grade and high schools must claim a disproportionate share of the nation's educational mediocrity. Educational attainment among Native children falls well below even the norms that the Commission found an unacceptable threat to America's future. In most village schools, Native students test between the 25th and 30th percentiles, a level far below the national norm. As a result, Native children who attend village schools are being denied the Commission's promise that "all children, by virtue of their own efforts, competently guided, can hope to attain the mature and informed judgment needed to secure gainful employment and to manage their own lives, thereby serving not only their own interests but also the progress of society itself."

EDUCATION AND EMPLOYMENT

As the Commission noted, without gainful employment an individual's ability to manage his or her own life is undermined, and the progress of society is endangered. But to compete successfully in the Alaska labor market against non-Natives, Natives must be on equal educational footing. It is a harsh but real truth that, even where jobs are available, substandard education denies many young Native adults the opportunity to secure gainful employment, just as it denied the same opportunity to many of their parents and grandparents.

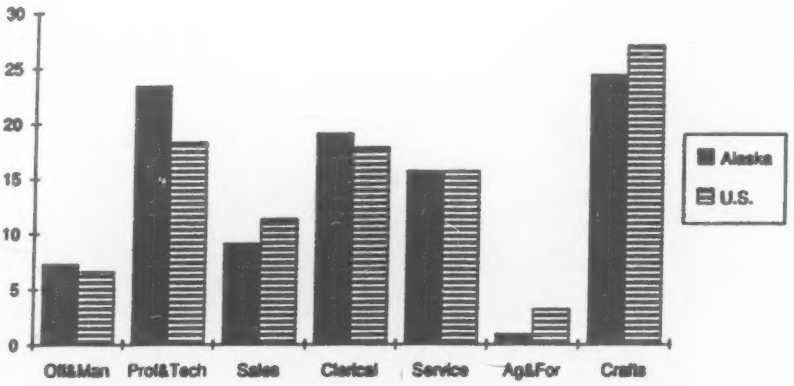
The preceding section documented an omnipresent reality: a majority of Alaska Natives live in remote villages where few jobs are available, far fewer than the number of individuals who want to work. It also described why the potential for increasing the number of jobs in rural villages is extremely limited. Given these grim facts, few village economies will be able to provide jobs for the growing number of young Native adults.

The unavoidable result is that, in the years ahead, most young Native adults who want work will have to move from their villages to locations where jobs exist, and there they will find themselves competing in the labor market with non-Natives. Thus, at a minimum, village grade and high schools should equip Native students with skills adequate to compete with their non-Native counterparts, whether for work or in the pursuit of post-secondary vocational or college education. While such a modest standard of educational attainment does not fully respond to the

Commission's challenge, it will at least enable young Natives to begin their adult lives on an educational par with other Americans.

COMPETING IN THE ALASKA LABOR MARKET

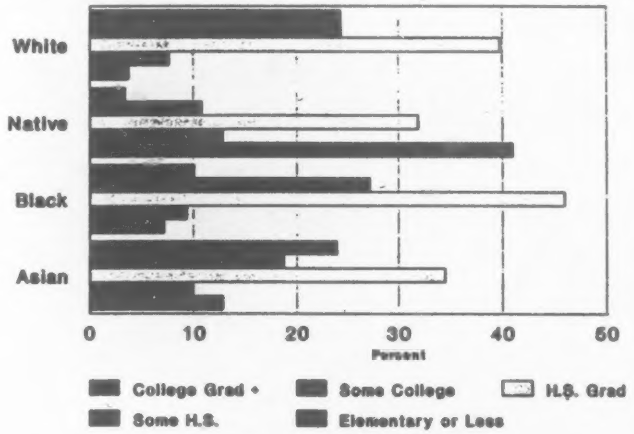
Competing in Alaska's labor market requires more education than competing in labor markets elsewhere in the nation. Figure 20 reveals that the Alaska work force is more professional and technically equipped than the national work force. In 1980 the Bureau of the Census reported that, in Alaska, on average, adults over 25 years of age had 12.8 years of education, compared to the national average of 12.5 years. Similarly, 88 percent of the members of this age group had graduated from high school, compared to the national average of 67 percent.



Reproduced from: *Alaska Industry/Occupation Outlook to 1992.*

Figure 20. Occupational Composition of Civilian Employment Alaska 1987 vs. U.S. 1986

Alaska Natives face serious disadvantage in competing with non-Natives for managerial, professional and technical jobs that require a college education. In 1980, the percentage of the adult non-Native population that had college degrees was five times the percentage of the adult Native population with degrees. Figure 21 illustrates the competitive disadvantage. Slightly less that 25 percent of white residents 25 years of age or older had college degrees compared to less than 5 percent of Alaska Natives. Asian adults with college degrees were comparable to whites. Black residents had acquired college degrees at a rate twice that of Natives.



Source: U.S Bureau of the Census, 1980.

Reproduced from: *Minorities in Higher Education, The Changing North.*

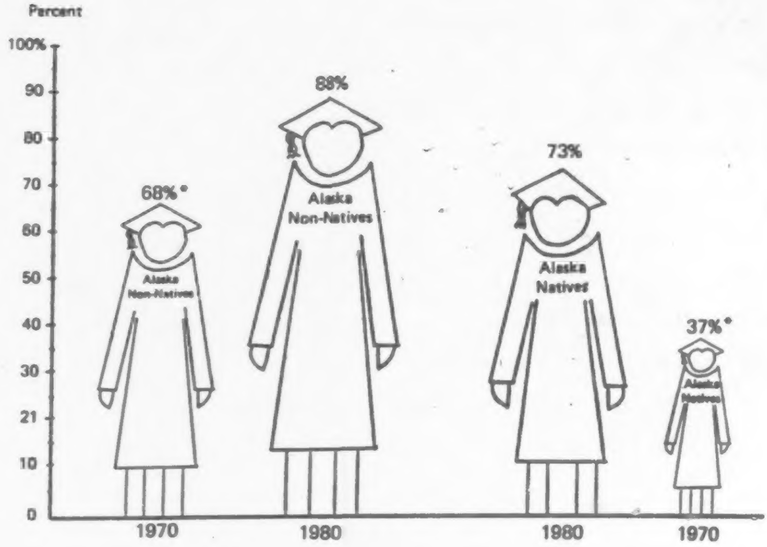
Figure 21. Educational Attainment by Race and Ethnic Group of Persons Aged 25 and Over, 1980: Alaska

Prior to 1970 when the majority of Natives lived in rural villages without high schools, only one in five Native adults had a high school education. Figure 21 illustrates the limited access that Native students in rural villages had to high schools prior to 1970. Over 50 percent of the rural adult population had no high school experience, less than 22 percent had high school diplomas and the median number of years of school completed by rural Natives was 7.5.

VILLAGE HIGH SCHOOLS ARE CLOSING THE GRADUATION GAP

In the 1970s the State of Alaska began building village high schools. As a result, Native access to secondary education significantly improved, as did the percentage of young Native adults with high school diplomas. Figure 22 indicates that by 1984 approximately 73 percent of Natives between 18 and 24 years of age were either attending high school or had graduated, at a time when 88 percent of their non-Native counterparts were either attending high school or had graduated. The 1984 figures are a significant improvement from 1970 when only 37 percent of Natives had graduated from high school, compared to 68 percent of non-Natives.

Of the 73 percent of Natives between 18 and 24 years of age who had graduated or were attending high school in 1980, 14 percent were still attending school, compared to 3 percent of non-Natives the same age, an in-school rate for Natives almost three times that of non-Natives. These data suggest that Native students are either taking longer to complete their studies or starting high school later than their non-Native counterparts.



Source: 1980 U.S. Census of Population. Special run by the University of Alaska, Institute of Social and Economic Research.
*Graduated from high school only.

Figure 22. Persons Graduated from or Enrolled in High School, Ages 18-24

Although substantial progress has been made in increasing the Native high school graduation rate, the Native drop-out rate is more than twice the non-Native drop-out rate, 27 percent compared to 12 percent. But the Native drop-out rate may be declining. A 1984 University of Alaska study found that in two-thirds of small village high schools the reported drop-out rate was less than 10 percent. However, the gain may be being partially offset by the continued high Native drop-out rate in urban high schools. Anchorage, Alaska's largest school district, continues to report a 30 percent Native drop-out rate, and high schools in Fairbanks, Juneau and other urban areas also report high Native drop-out rates.

The 1990 Census will likely report that the gap between Natives and non-Natives who complete high school has continued to narrow. But the continued high Native drop-out rate in urban high schools, where a majority of Native students now attend school, suggests that during the 1980s the narrowing has been modest and that a significant gap will persist until the Native drop-out rates in urban high schools are reduced.

SMALL VILLAGE HIGH SCHOOLS

Much of the improvement in closing the high school graduation gap can be directly attributed to the State of Alaska's village high school construction program. The program began in 1976 when the State settled a lawsuit filed on behalf of Native students who had been compelled to attend high school in regional boarding home programs far from home. As part of the settlement, the State agreed to construct and operate a high school in any village with eight or more high school age students, a commitment that resulted in the construction and operation of 126 schools. Table 2 summarizes the number and size of small high schools, only 36 of which predated settlement of the litigation.

Size of School	Approximate Number of Schools	Proportion of Schools	Approximate Number of Students	Proportion of Students
10 students or fewer *	52	32%	305	8%
11-20 students	36	22	548	15
21-40 students	47	29	1388	38
41-100 students	27	17	1445	39
N =	162	100%	3686	100%

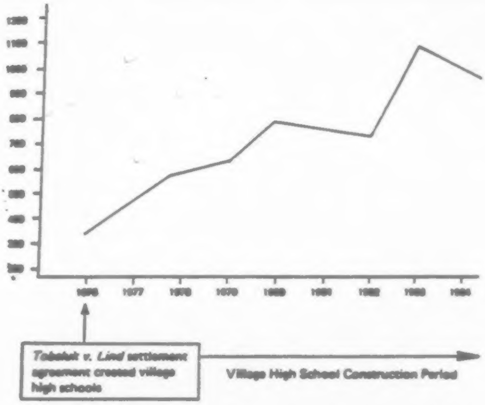
*These very small high schools are unstable in numbers. They increase or decline from year to year depending on the numbers of students in particular grade levels and whether the community and district decide the school should remain open.

Source: ISER Small High School Survey, 1984.

Reproduced from: *Alaska's Small Rural High Schools.*

Table 2. Most Rural High School Students Attend High Schools of 20 to 100 Students

Eight years after the new village high schools began opening, the number of Natives graduating from small village high schools had increased more than three-fold. Indeed, annual increases in the number of Native students attending and graduating from high school corresponded closely with the village high school construction schedule. By 1984 approximately 1,000 students were annually graduating from small village high schools. If the schools had not been built, some students would have graduated from one of the regional high school boarding home programs, but by no means would all have done so.



This increase results from (1) very low drop-out rates in rural high schools, and (2) increased enrollment in rural high schools, rather than urban boarding programs away from home.

Source: Alaska Department of Education, 1984.

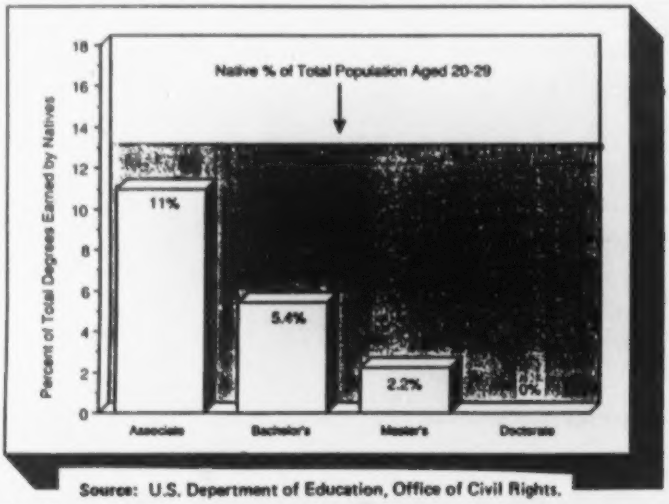
Reproduced from: *Alaska's Small Rural High Schools.*

Figure 23. Village High Schools Have Increased the Number of Rural High School Graduates

NATIVE PROGRESS IN POST-SECONDARY EDUCATION

Figure 24 illustrates a logical progression from the observations reported in Figure 3. As more Natives graduate from high school, more Natives are attending college.

In 1980 Natives between 20 and 29 years of age were approximately 13 percent of that age-group statewide. Natives comprised 11 percent of Alaska residents between 20 and 29 years of age with associate degrees, 5.4 percent of baccalaureate degrees, 2.2 percent of master's degrees, and no PhD's. These percentages pose a clear challenge to village high school teachers and administrators, since a solid high school education is a prerequisite to academic success in college.



Source: U.S. Department of Education, Office of Civil Rights.

Reproduced from: *Minorities in Higher Education: The Changing North.*

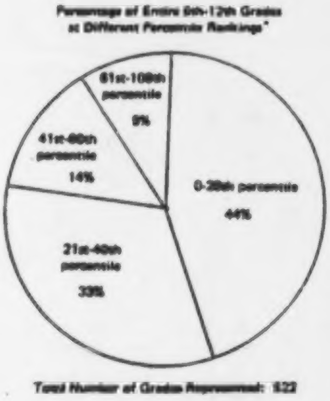
Figure 24. Alaskan Degrees Earned by American Indians and Alaskan Natives Compared with Representation in the Population, 1980: Alaska

After high school, post-secondary education usually proceeds on a dual track, one leading to vocational/associate degrees, the other to baccalaureate degrees. Baccalaureate degree study usually requires more academic preparation. The fact that Natives are significantly under-represented among holders of baccalaureate degrees indicates that many Native high school graduates are not sufficiently prepared to succeed in a four-year program.

LOW ACHIEVEMENT IS PERVASIVE IN RURAL HIGH SCHOOLS

The increasing number of high school diplomas being awarded to Native graduates of small village high schools masks many graduates' abysmally low standardized achievement test scores. Admittedly, standardized test scores are only one measure of a student's, or a school's, academic achievement. Standardized tests are often appropriately criticized for geographical, cultural and other biases, and for lack of relevance to the subject matter actually being taught and learned. Yet, notwithstanding these limitations, standardized test scores are one means of comparing a student's academic ability with that of his peers attending school elsewhere in the nation.

Figure 25 documents the low academic achievement of village high school students. In 1984 44 percent of rural high school classes scored below the 20th percentile, and another 33 percent scored between the 21st and the 40th percentile. The scores indicate that 80 percent of the nation's high school grades scored higher than 44 percent of the grades in rural Alaska high schools. Only 9 percent of rural high school qrades scored above the 61st percentile.



*Please keep in mind that these figures represent average achievement test scores for the whole grade, not scores for individual students.

Source: ISER Small High School Study, 1984.

Reproduced from: *Alaska's Small Rural High Schools.*

Figure 25. Students in Rural High Schools Have Low Achievement Test Scores

More recent test scores indicate that the pattern of low achievement is persisting. Figure 26 summarizes average achievement scores for four rural school districts in which most high school students are Native. In most of the districts the students scored in the 20 to 30 percentile, and in some districts few students scored at or above the 50th percentile.

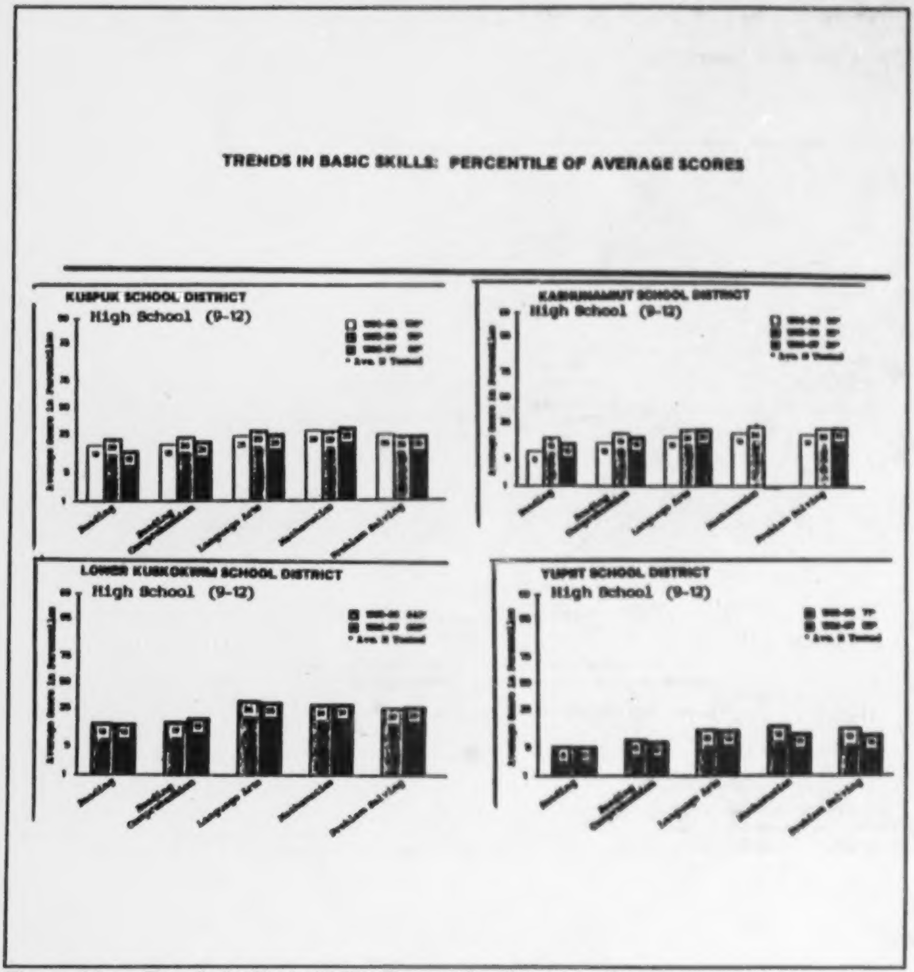


Figure 26. Trends in Basic Skills: Percentile of Average Scores

Native students attending high schools in Anchorage scored considerably higher than Native students attending village high schools. The Anchorage School District reported that its Native students scored at or slightly above the national average, and that Native test scores more or less paralleled the national distribution. For example, 18 percent of Native students scored in the nation's top 25 percent, and 24 percent were among the nation's lowest 25 percent.

In comparing the high Anchorage test scores with the low village scores, the high Native drop-out rate in Anchorage and the low drop-out rate in village schools may be important variables. Assuming that, if tested, the estimated 30 percent of Native students who dropped out would have been low academic achievers, their absence could bias the test results. If the Native drop-out rate in the Anchorage School District were the same as the drop-out rate in village high schools, overall test scores in the Anchorage School District would likely be lower than the scores reported.

On a positive note, Native students who attended school in Anchorage for five or more years had an average composite standardized test score of 53 percent. In contrast, Native students who had attended school in the district for less than five years scored considerably lower. Thus, the length of time a Native student had attended school in the community correlated with higher test scores. While there are undoubtedly many other contributing factors, higher test scores imply higher academic achievement.

It is extremely important to note that the innate potential of Native students is no different from that of non-Natives. Consequently, if Native students are to be afforded an opportunity to realize their academic potential, the education they are now receiving must be significantly improved. Although recommendations as to how Native education can be improved are numerous, the lack of commitment to improving Native education appears to be as pervasive as the lack of commitment to the nationwide educational improvements recommended by the Commission on Excellence in Education.

The Alaska Department of Education's recent report entitled "Basic Skills Performance of Alaska's Students" presents a particularly distressing observation. In rural districts in which most of the students attending school are Native, children in the early elementary grades scored in the same 25 to 35 percentile range as students in the higher grades. Thus, as students progressed from grade to grade, their academic performance did not improve. While there is no evidence that racial or ethnic groups attending school in Anchorage significantly improved their percentile standing as they progressed through the district's program, the fact is that too many children in Native villages begin their formal education seriously disadvantaged and never surmount the original handicap.

The situation for Native students who attend school in Anchorage is significantly better, since Native students in the early elementary grades in Anchorage score near the 50th percentile. However, while higher than those of their peers in village grade schools, their scores are still 20 percent below their white classmates.

A number of Native villages participate in the Head Start program, in many respects a model program for pre-school children. But Headstart reaches less than a quarter of the children who, based on eligibility guidelines, are eligible to participate. In addition to expanding Headstart into more villages, a program to remedy the educational deficits of Native children must include increased pre- and postnatal infant care and parent education. Unless learning deficits that become apparent by ages 5 or 6 can be remedied in timely fashion, Native children beginning school with learning deficits may well be permanently barred from realizing their potential.

FINDINGS AND RECOMMENDATIONS

The preceding analysis of the status of Alaska Natives stands in sharp contradiction to the improved physical health of Alaska Natives that has occurred in recent decades. The analysis documents alarmingly high rates of self-destructive behavior and demonstrates that the major victims of such behavior -- Native infants, children, and young adults -- are increasing in number. Most Alaska Natives are living in communities in which the local economies cannot provide a life-sustaining standard of living without substantial, on-going public subsidies. The analysis suggests that, more often than not, public policies and interventions intended to assist Native individuals, families and communities have created and perpetuated dependence, rather than self-sufficiency. It also indicates that in Native villages government has largely failed to discharge its most important obligation - the obligation to provide children an adequate education.

Social scientists convened by the National Science Foundation have identified the fundamental issue confronting Alaska Natives as "the struggle of previously self-sufficient individuals and family units to adjust to rapid social change largely imposed from outside." In their view, the struggle to adjust to political and economic systems over which Natives living in rural villages have little real control generates feelings of helplessness and frustration and results in destructive behavior, generally directed internally or toward family and friends. If the situation is to be improved, federal Native policy must be premised on facilitating self-help and on assisting individuals, families and communities to cope with social and economic change. Applying this principle, the following findings suggest a framework for redesigning existing Native programs and developing new initiatives.

The findings purposely do not include detailed recommendations. Rather, it is the intent of this report to open a broad debate among Native leaders, government officials and other interested parties on the causes of, and solutions to, the Native crisis.

Finding 1: A plague of alcohol abuse, violence and self-destruction is afflicting Alaska Natives. Alcohol abuse, pervasive throughout the Native community, is undermining the ability of Alaska Natives to control their lives. It is the fuel that fires the cycle of violence and self-destruction. It takes its greatest toll on young Native adults, particularly men, infants not yet born, and abused children.

Policies and programs must encourage, build and reinforce the self-help efforts of individuals, families and communities to combat alcoholism, intervene in and prevent mental health crises, protect Native children from abuse and neglect and take individual responsibility for individual behavior.

Finding 2. Alaska Natives are more vulnerable to serious injury, infectious diseases and death than non-Natives. The rising Native birth rate will engender rapid population growth and significantly increase the segments of the Native population most at risk, i.e., infants, children and young Native adults. Between 1980 and 1990 the demand for children's services will have grown by 40 percent.

Unless the health care system expands to accommodate the increasing need, improvements in Native health status may quickly deteriorate. At a minimum, the current quantity and quality of health care must be maintained. To respond adequately to behavioral problems engendered by alcohol abuse, additional monetary and human resources are needed, particularly resources to address maternal and infant care and education.

Finding 3: Alaska Natives have a growing "at risk" population. In ten years Native population growth will double the number of young Native adults, the segment of the Native population most at risk. Although the Native population is becoming increasingly urban, a majority of Natives will continue to live in rural villages. Because the capacity of village economies to absorb anticipated population growth is limited, increasing population growth poses serious physical, environmental, social, and economic challenges.

The decision to stay or leave the village is influenced by cultural and family ties, the degree to which needed public services are available and the extent to which village residents have incentives to stay or leave. Policies are needed that both foster sustainable village economic self-sufficiency and enlarge the opportunity for Natives so inclined to work outside their home villages.

Finding 4: The village economy cannot meet the needs of the growing Native population. In rural Alaska, most new jobs have been provided, either directly or indirectly, by increased federal and state expenditures. But despite government spending, large numbers of Natives who want to work in their home villages or region have no possibility of doing so. In most Native villages, the prospects for private sector economic development are limited, and due to declining oil revenues, state spending is projected to steadily decline throughout the 1990s. The projected decline in economic activity in rural Alaska coincides with the steadily increasing number of young Native adults who will be seeking to enter the work force. Every effort to take advantage of limited opportunities for private economic development should be encouraged, and Native access to employment opportunities expanded, including providing necessary training and support, including financial support to relocate, if necessary to secure permanent employment.

Finding 5: Villages are precariously dependent upon the public sector spending and the cost of living in villages is exorbitant. The expansion of the public sector economy, combined with the absence of self-sustaining economic growth, has contributed to village population growth and fostered increased dependency on public assistance. Public sector emphasis on capital improvements have saddled Native villages with operation and maintenance costs the communities, and the Native families who live in them, cannot sustain. Policies and initiatives that target economically realistic improvements in the physical quality of village life and do not undermine options for residents who want to pursue economic opportunities away from their home villages are needed.

Finding 6: Native children enter and exit village schools with serious educational handicaps and their education is worse than mediocre. The educational achievement of Native children, particularly children who attend village schools, is far below national norms. As a result, Native students are being denied the opportunity to realize their potentials and to become full participants in society by grade and high school educations that are condemning an entire generation to an underclass status and a life of limited choices.

To afford Native students attending village schools the opportunity to obtain an education equivalent to their non-Native peers, they must be afforded the opportunity to begin their formal education on a par with their non-Native peers. Expanded Headstart, infant learning and early childhood education programs, combined with parent education, are essential if educational handicaps are to be overcome.

APPENDIX: A BRIEF HISTORY OF FEDERAL NATIVE POLICY

On October 18, 1867, General Jefferson Davis ordered the stars and stripes run up the flagpole in front of the Russian Governor's house at Sitka, thus beginning the American administration of Alaska. At the time, more than 99 percent of Alaska's population were Tlingit, Haida and Athabascan Indians, Yup'ik, Chugach and Inupiat Eskimos, Aleuts and Creoles, i.e., mixed bloods. As late as 1880, the United States Census estimated that of a total population of 33,426, only 430 whites lived in the Territory.

The 1867 Treaty of Cession with Russia consummated the Alaska purchase. In Article III of the Treaty, the United States government assumed the same fiduciary responsibility to provide for the educational, health, safety, social and economic needs of Alaska Natives resident in its new domain that it had assumed with respect to other Native Americans.

In the first exercise of that responsibility, in 1868 Congress enacted the Alaska Customs Act, which *inter alia* authorized the President to prohibit the importation and sale of alcohol, a commodity, first distributed by American and English fur traders and American whalers as a trade good, that was damaging Native health and shredding the fabric of traditional village life.

In 1884 Congress enacted the Alaska Organic Act. At the behest of Sheldon Jackson, the chief Presbyterian missionary operating in the Territory, the Organic Act authorized the

Secretary of the Interior to establish a school system. Although Congress instructed the Secretary to provide for the education of school age children "without reference to race," 99 percent of the Territory's school age children were Native. Again at Jackson's behest, in 1885 Secretary of the Interior Henry Teller assigned the Bureau of Education, rather than the Bureau of Indian Affairs, responsibility for Alaska education. The assignment was not inadvertent. Sheldon Jackson and the group of Indian rights advocates of which he was a member believed that the paternalistic policies the Bureau of Indian Affairs was then pursuing on Indian reservations had failed, and that the Bureau of Education would afford Alaska Natives more self-determination. But if asked, Jackson and J.D.C. Atkins, then Commissioner of Indian Affairs, would have agreed that the Department of the Interior had responsibility to implement the commitment the United States government had made in the Treaty of Cession to provide for the educational, health, safety, social and economic needs of Alaska Natives.

By 1895 the Bureau of Education was operating 19 grade schools between Metlakatla, an Indian village on the southern end of the Alaska Panhandle to Gambell, a remote Eskimo village on St. Lawrence Island at the mouth of Bering Strait. By 1909 the Bureau was operating 69 schools, and by 1930 94 schools.

The Bureau of Education also operated a Native health care system. Initially, army, and later revenue service, physicians provided sporadic medical services to Alaska Natives. However, in 1885 A.P. Swineford, the Territorial Governor, urged the Secretary of the Interior to construct a Native hospital. As he told the Secretary in 1886, "a hospital for the care and treatment of Natives is not only very much needed, but absolutely indispensable."

In response to pneumonia, measle, influenza, whooping cough and diphtheria epidemics that periodically swept through Native villages, in 1907 Congress made its first appropriation to the Bureau of Education earmarked for medical services. By 1915 the Bureau was operating hospitals at Nushagak, a Yup'ik Eskimo village at Bristol Bay, Nulato, an Athabascan Indian village on the Yukon River, and Kotzebue, an Inupiat Eskimo trading center on the coast of the Arctic Ocean. Bureau doctors were also stationed at Nome, Russian Mission, Seward, Juneau and Sitka. Nurses were stationed at St. Michael, Koggiung and Hydaburg, and an itinerant nurse traveled to Tlingit and Haida Indian villages in southeast Alaska. Each Bureau of Education school was equipped with a medicine chest.

By 1930 the Bureau was operating 6 hospitals, a health care system far below the need of an indigenous population being decimated by infectious diseases contracted from whites. A 1930 report on the subject estimated that "It is highly probable that Native hospitals are not prepared to care for more than 5 percent of the Natives who should be hospitalized in order to insure their recovery or to prevent the spread of acute infectious diseases among the rest of the Native population."

In addition to addressing the educational and health needs of Alaska Natives, the Bureau of Education also administered Native economic development programs. Through the fur trade and the commercial whaling economy Alaska Natives had had limited access to the non-Native material culture since the Eighteenth Century. By 1867, iron knives and kettles, firearms, cotton and wool clothing and similar items were available in many Native villages. However, the subsistence economy predominated, and most Natives followed the cycle of the seasons, migrating between summer fish camps, fall hunting camps and more than 200 winter villages. But by the Twentieth Century, the construction of churches and schools at village sites and wage work in the salmon canning industry and the mines had begun to alter traditional subsistence patterns. And in many villages sugar, flour, gillnet twine, wool and cotton clothing, firearms and similar items, once luxuries, had become necessities.

But the schools and the white culture of which they were part having created the consumer demand, with the exception of fur trapping, commercial fishing during the summer months and occasional wage work far from home in the mines or at whaling stations and lumber camps, in most rural villages Alaska Natives had few opportunities to participate in the non-Native economy.

Consequently, the Bureau of Education created and administered several village economic development programs. The Bureau managed reindeer herds in the northwest arctic and on the Yukon-Kuskokwim River delta, and, when it deemed necessary, distributed general assistance to enable village residents to purchase food, clothing and other essentials.

In 1931 Secretary of the Interior Ray Lyman Wilbur reversed the policy the Department of the Interior had followed since 1885 by transferring responsibility for administration of Native programs from the Bureau of Education to the Bureau of Indian Affairs. The transfer had two practical effects. First, henceforth the Snyder Act, enacted by Congress in 1921 to authorize the Bureau of Indian Affairs to spend federal money "for the benefit, care and assistance of the Indians throughout the United States," governed appropriations for Native programs. As a matter of law, Alaska Natives were deemed "Indians of the United States" whose entitlement to participate in federal Indian programs was no different from that of any other Indians. Second, drawing on the agency's experience in the lower 48 states, during the 1940s the Bureau of Indian Affairs tried to protect Native land rights and advance Native economic development by establishing reservations around Native villages whose boundaries encompassed land Natives had traditionally used and occupied and natural resources (e.g., salmon, timber and fur-bearing animals) needed to sustain village economies. Controversial from the outset, the reservation policy was abandoned in 1950.

In 1955 Congress transferred administration of the Indian Health Service (IHS), both in Alaska and elsewhere, from the Bureau of Indian Affairs to the Public Health Service. Today the

IHS Alaska Area Native Health Service administers a Native health care system that includes the 170 bed Alaska Native Medical Center in Anchorage, smaller hospitals in Sitka, Dillingham, Bethel, Fairbanks, Nome, Kotzebue and Barrow, seven health stations and 142 village clinics. IHS also administers a safe water program that designs and constructs water and sewer systems for remote villages.

In 1959 Alaska was admitted into the federal union as the 49th State. Although it continues to pay a substantial portion of the cost of Native education, in 1985, the Bureau of Indian Affairs completed the transfer, first begun in 1936, of Bureau schools to the State of Alaska. Today, 22 rural school districts now operate grade schools, many of which are former Bureau schools, and high schools in 177 rural communities, most of which are Native villages.

In addition to funding Native education, pursuant to such statutes as the Indian Self-Determination Act, the Bureau of Indian Affairs also supports the operation of village governments and provides technical assistance to ANCSA village corporations.

Enacted in 1971, the Alaska Native Claims Settlement Act extinguished all Native claims to Alaska based on aboriginal use and occupancy. In exchange, Alaska Natives received $962.5 million and the right to select and be conveyed 44 million acres of land, most of which surrounds Native villages.

Individual Natives received little of the money and even less of the land. Congress divided Alaska into 12 geographic regions, and required Natives living in each region to organize a regional corporation. Natives living in each of more than 200 villages were required to organize village corporations. Each Native alive on December 21, 1971 was then issued 100 shares of stock in the regional corporation and 100 shares of stock in the village corporation in which he or she was enrolled. Natives who did not live in villages only received regional corporation stock.

The money and land was then distributed to the regional and village corporations, although Congress required regional corporations to distribute some of the money and required village corporations to convey a small amount of land to their shareholders.

In the 122 years since the United States assumed control of Alaska the Native population has more than doubled to 75,000 persons. But as it has increased in absolute number, because of non-Native in-migration, the Native population has decreased as a percentage of the Alaska population, from more than 99 percent in 1867 to 14 percent in 1989. But as they did a century ago, a majority of Natives living in Alaska continue to live in one of more than 200 rural villages.

Over the past century, and particularly over the past two decades, the health status and standard of living of Alaska Natives has improved. But as this report describes, as old problems have been solved, new problems, most of which have been exacerbated by an intensifying firestorm of alcohol abuse, have taken their place. Today, many Alaska Natives face a social, health and economic crisis of potentially disastrous proportion.

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Report of the
Senate Special Committee on School Performance
Fifteenth Alaska Legislature

HELPING SCHOOLS SUCCEED AT HELPING ALL CHILDREN LEARN

Senator William L. Hensley, Chairman
Senator Johne Binkley
Senator Ken Fanning
Senator Jim Duncan
Senator Jan Faiks

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January 1989

INTRODUCTION

Most of the more than 103,000 students in Alaska's schools appear to be making reasonably acceptable progress in their schooling, as measured by standardized achievement tests and estimates made by their teachers, and several thousands of students are doing exceptionally well at the tasks the schools have set for them.

It is likely that most of this year's 7,000 seniors will graduate and go on to further education or to jobs, and several hundreds of them will win scholarships or in other ways demonstrate that their schooling has been effective in preparing them for their futures.

But too many of those who do graduate will find they possess skills sufficient only to obtain low-paying jobs, and too many will enter upon college work, find they are unprepared, and drop out in their freshman year.

Achievement test results and other indicators show that several thousands of our students of all racial and ethnic backgrounds are among the lowest achieving students in the nation in reading comprehension and mathematics, suggesting that, unless something is done, they will fall further behind in their next level of education, and, if they graduate, they are likely to face unpromising futures. And perhaps as many as one-fourth will not even graduate from high school.

Furthermore, large numbers of those who are college-bound may not be as well prepared for college as they should be, judging by the composite scores of Alaskans on college entrance examinations and national studies that describe deficiencies of American students in knowledge and higher order thinking skills.

By spending more per student than any other state, we Alaskans have shown our commitment to education, and we are seeking performance to match it. If all teachers, schools, and districts demonstrate the qualities the best of them exhibit -- beginning with a resolution that all children can learn -- we are confident that our children can find fuller success in school today and greater promise in their futures. It is that confidence that lies behind our recommendations.

William L. Hensley, Chairman
Senate Special Committee on
School Performance

Chapter I

SCHOOLING IN ALASKA

It is Alaska's 437 public schools in 55 school districts and their more than 103,000 students that are the subject of this committee's concern.

These schools range in size from 5 students (in Igiugig) to 1,908 (in an Anchorage high school). The districts they belong to vary greatly in their enrollments, too: 47 of the 55 districts enroll fewer students than that one Anchorage high school. The median size of districts (which range from 50 students in Pelican to over 40,000 in Anchorage), is 416 students. Many elementary schools in Anchorage are larger in enrollments than half of the school districts.

More than half of all students attend schools in the Anchorage and Fairbanks areas, and another one-fourth attend schools in five other large boroughs -- Matanuska-Susitna, Kenai, Juneau, Kodiak, and Ketchikan. The other fourth attend schools in 25 other borough or city districts or in 23 rural educational attendance areas (which are, except for the exemption from local funding support, essentially the same as school districts).

Of the three specialized schools operated directly by the Department of Education, two are tuition-free general education programs. They are the Centralized Correspondence Study program, enrolling about 800 students, and the boarding school at Mt. Edgecumbe, enrolling nearly 200 students. Apart from these students and about 2,000 students enrolled in private schools, virtually all students attend public schools in their home communities.

Most of the smallest school districts are city districts, but some rural educational attendance areas, created by the legislature in 1975 to replace a single system of schools in the unorganized borough governed by a single board, are also very small. Both the Aleutian and Chugach areas, for instance, enroll fewer than 100 students each.

Although the rural educational attendance areas are generally small in terms of enrollment, they are typically enormous in geographic size, as are several boroughs. In the northern and western parts of the state and the interior, these districts serve communities that are not on the road system and whose populations are predominantly Alaska Natives.

Only 177 of Alaska's schools are accredited by the Northwest Association of Schools and Colleges. Accreditation is awarded following self-study by a school and an intensive external evaluation of factors affecting schooling outcomes.

To educate the children and youth of Alaska in 1988, school districts employed 6,379 certificated classroom teachers and 1,252 other certificated persons in positions such as superintendents, principals, and curriculum coordinators. The total number of certificated staff in 1988 was down by somewhat more than four percent from 1987.

In fiscal year 1987, State expenditures for public schools were $448.2 million, about two-thirds of the cost of operating the public schools, the lowest State contribution in terms of percentage of the total expenditures for schooling of any year of the past ten years. Local governments spent about $178 million and the federal government contributed $51.6 million. Additional expenditures were made for capital projects.

Audited expenditures in fiscal year 1987 ranged from $4,928 per pupil in the Anchorage borough to $24,532 per pupil in the North Slope Borough.

Over the period 1977 to 1987, while the school population rose by about 13 percent, total operating expenditures for schooling rose by nearly 180 percent. Much of this increase may be attributed to rising costs, but it also went for improved teachers' salaries and for the costs of operating new schools constructed to allow rural students to attend high schools in their home communities (consistent with a judicial consent decree entered into by the State in 1976).

Before proceeding to estimate what quality of performance is obtained in Alaska's schools by these expenditures for schooling, we turn to a review of concerns and actions relating to school performance over the past five years in the nation and in Alaska.

Chapter II

SCHOOL REFORM: AMERICA AND ALASKA

With the publication of A Nation at Risk in 1983, and its declaration that education was afflicted by "a rising tide of mediocrity" there arose a widespread concern across America over the performance of public schools. This concern was deepened and broadened by numerous other studies and proposals for changes in schooling and teacher education, and, together, they led to the appointment of more than 200 task forces and special commissions to reform the schools.

As a result, in these past five years, most states have been actively engaged in what is now called the first wave of school reform. By the count of the former U. S. Secretary of Education in 1988, twelve states had enacted far-reaching and comprehensive measures to improve public education -- the Illinois statute covered 159 topics -- and five more states had carried out major reforms. Twenty-nine states had begun requiring competency tests of beginning teachers, bringing the total number of states with such a requirement to forty. Sixteen states had begun requiring competency tests of students for graduation, four requiring them for class promotion, and six states requiring them for both. Most states had increased graduation requirements and made kindergarten mandatory, and a few states had extended the school year or the school day.[1]

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[1] Memorandum No. 5, p. 88.

Another important indicator by 1986 of the growing level of concern among the states about school performance was the decision of the National Governors Association (NGA) to undertake a major five-year effort to improve schooling. [2] The governors launched their effort by appointing seven task forces headed by governors, by commissioning special papers, and by conducting hearings across the nation. In its 1988 report, the NGA described a wide range of new measures being adopted by states, including:

- tightening and raising entry standards for those who want to teach;
- providing alternative routes to certification for qualified persons;
- providing financial incentives for high-performing schools;
- allowing state regulations to be waived to allow schools to be restructured or to be managed locally;
- allowing high schoolers seeking challenge to attend college courses with tuition paid by the state;
- providing increased choices for students -- especially potential dropouts -- in which schools they would attend;
- establishing a variety of pilot programs to produce

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[2] Memorandum No. 14, p. 134.

increased parental involvement in schools;

- implementing innovative programs for students who are prospective dropouts;
- expanding and improving early childhood education;
- coordinating purchase, utilization, and maintenance of computers used in instruction; and
- expanding use of television for delivery of courses to rural areas.

In 1988, while applauding the changes instituted by the states, the NGA made clear in its annual report that reforms adopted by some states ought to be considered for adoption by others, and declared that some prospectively good reforms have yet to be fully explored.

In Alaska, the first wave of school reform in America had little effect, at least at the state level. During the five-year period, only one of the major changes being adopted elsewhere was adopted here -- an increase in the number of units of credit required for graduation from high schools.

Before the publication of A Nation at Risk, however, a task force of Alaskans had developed a broad prescription for improving school performance. [3] The Governor's Task Force on Effective Schooling, composed of parents, students, and educators, urged the State Board of Education in its 1982 report to adopt, among other things:

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[3] Memorandum No. 10, p. 106

- goals of education as recommended by the task force;
- a prescribed curriculum (but allowing electives) for all grade levels;
- a statement of research-based effective schooling practices as a regulation, specifying timelines for implementation;
- a monitoring program to assure district compliance with the regulation;
- revised teacher evaluation regulations to incorporate effective practices in the scope of the evaluation;
- a requirement that kindergartens be offered; and
- a calendar with an extended school year.

None of the major recommendations was adopted, and there appears to be no single reason for the board's inaction. The major recommendations would have imposed new state authority over schooling, and that prospect, for local school boards and others satisfied with the existing power relationship, may have been the important factor. But, an election also took place, and, in 1983, a new governor took office, new appointments were made to the state board of education, and a new commissioner of education was named.

The State Board of Education, however, did announce its support of the principles of effective schooling and directed the Commissioner of Education to "inform school districts and others of the Board's commitment and enthusiasm for the establishment and maintenance of such a program."

As directed by the board, the commissioner and his staff disseminated information about the principles of effective schooling and sponsored several training workshops in 1983. Departmental support functions were organized into units for curriculum, assessment, and instruction. Activities after that time were less visible, but the principles of effective schooling continue to make important contributions to how schooling is conducted. They figure prominently in instructional leadership academies for teachers and principals sponsored by the Department of Education with the Staff Development Network, and educators from 50 districts have participated in them. In 1987, elements of effective schooling principles were incorporated into the standards for accreditation by the regional accrediting association.

Most superintendents told us, in replying to our questionnaire, that effective schooling principles were being applied in their schools. One superintendent of a high performing district said the principles were the reasons his students score so well on standardized tests. Some, however, indicated but little familiarity with the principles.

Effective schooling principles were not the only ideas contributing to changes in classrooms during the last few years in some schools and some districts. School districts employed education consultants from Alaska and other states to conduct in-service training on a wide range of subjects for teachers, and the numerous professional associations brought celebrated educators to their conferences and conventions. In addition, education specialists of the department acted as change agents with districts in establishing the Alaska State Writing Project, the Alaska Math Consortium, the Staff Development Network, and other shared efforts to improve instruction. A number of districts increased graduation requirements, extended the school day and took other steps such as states elsewhere were taking.

Even though the State Board of Education did not adopt the goals proposed by the task force, a statewide curriculum, and principles of effective schooling as a regulation that would be monitored, the board did adopt a regulation in 1984 requiring that districts adopt a curriculum and carry out reading and math assessments, and did provide for monitoring the progress of districts in meeting those requirements. Measured against the kinds of authority being asserted by other states, the action was a limited one, but important. During these years, the department also developed curriculum guides that would serve as models for districts to follow, if they chose to do so.

Both the limited nature of the new requirement and the freedom of local districts to ignore State Board-adopted curriculum guides underscore the extent to which local control of schools is the rule in Alaska. Annual reports prepared by the department based on the monitoring are also testimony to the extent to which school boards are free to plan and conduct their school programs.[4]

Concerns over public education were, of course, being exhibited by local and state organizations in the state, and improvements in schooling were being made in some districts and some schools during the last five years. Beginning in 1987, a series of meetings were convened by the Department of Education toward building a consensus on education issues that culminated in early 1988 with adoption by the State Board of an ambitious list of goals and initiatives.[5] The Alaska Coalition on Education -- made up of representatives of the Board, school administrators, teachers, school boards, and the state PTA -- was also formed this year.

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[4] Memorandum No. 8, p. 98.

Lacking benchmark data in Alaska, no assessment of gains over these years is possible. In America generally, the result of the reforms carried out has been one of only modest gains. In the words of the former U.S. Secretary of Education:

> In short, student achievement and school performance earn a mixed grade for progress during the past five years. Despite encouraging improvements in patterns of course-taking, gains in student learning are slight and the average level of student skill and knowledge remains unacceptably low. Overall school performance is up a little bit since 1983, but by almost any standard we are still not where we ought to be.[6]

Even though the gains were slight, some progress was made. But why was policy at the state level in Alaska so little affected by the kinds of major changes sweeping America?

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[5] Memorandum No. 26, p. 177.

[6] Memorandum No. 6, p. 90.

In part, the answer must be the strong support for local control in Alaska. As with the state graduation requirements that name fields of study (such as social studies) but do not specify courses (such as American history), or Board-adopted curriculum guides that don't have to be followed, state authorities have been largely willing to leave schooling decisions to local or regional school boards. The State legislature has defined a minimum school day and school year, named school holidays, declared who may and who must attend, and specified who may teach and who may not, but, except as required by federal legislation, has given very little guidance about what should be happening in schools or why or how schooling should be conducted.

Perhaps part of the explanation may be that there was a belief in Alaska that whatever problems of schooling that were out there could be solved by money, and for a few years, there seemed to be a lot of it. By 1984, state appropriations had grown by 80 percent over the preceding four years, and both local and federal contributions to schooling had doubled, and were continuing to rise.

Another possible explanation is that there was no substantial public outcry for reform in schooling in Alaska such as there was elsewhere, especially as there was in the large cities of the nation where there were enormous numbers of dropouts or undereducated school graduates. Those members of the Alaska public most likely to be effective activists for educational change had good grounds for being reasonably satisfied with the education of their children, and they probably knew little of the large number of undereducated children in the families of others.

On this last point, it is likely that not all Alaskans were well informed about how well or poorly students and schools were performing. Although some districts released test information to the public, some did not. And, not surprisingly, some of those that did release information organized the data to emphasize the success of their schools, not their failures.

But in 1986, the Alaska Department of Education asked for funding to collect and analyze data on student achievement. Although the funding was not granted, the legislature included intent language in the budget for the Department of Education for the following year. It read:

> It is the intent of the legislature that the assessment program use (school) districts' existing test methods and accumulate results at DOE (Department of Education). DOE will require all districts to use assessment tests if not already doing so. DOE will also require all districts to report prior years' test data so the legislature can evaluate trends in test results and not one year's information. DOE will report to the legislature on the results of this program, and what steps will be taken by this office to address the problems identified by the assessment program.

As a result, the legislature and the public would have knowledge of student and school performance across the state as measured by tests chosen by the school districts. Such information, together with a State Board of Education seriously addressing educational policy issues, would result in opening the possibility of school reform of one sort or another coming to Alaska.

Chapter III

SCHOOL PERFORMANCE IN ALASKA

To know whether reforms in schooling are needed in Alaska requires a consideration of the current performance of schools, an assessment that should have as its yardstick the goals of schooling for Alaska. But neither the legislature nor the State Board of Education has declared a purpose of schooling or adopted a statement of goals of schooling, so such a yardstick is not at hand.

Our assessment of school performance, therefore, relies principally upon:

- results of achievement tests, whose contents imply some of the things schools are expected to teach and students are expected to learn (such as basic skills and knowledge);

- survey responses of high school seniors about their high school experiences (such as needs met and not met) and data on how many students remain in school through graduation;

- advice gathered in our seven hearings, in which Alaskans told us of their expectations of schools (such as the building of self-esteem and teaching of values, social skills, and cultures) which are important, but which lie outside of the kinds of things measured by tests;

- information and advice provided by school superintendents in reply to our 12-part questionnaire on issues of school performance;

- inferences about schooling in Alaska drawn from national assessments in specific skill areas -- reading, math, and computer competence; and

- a consideration of population characteristics and expenditures devoted to public schools.

Together, these multiple sources of information provide us a means of estimating school performance in Alaska, despite the absence of formally adopted purposes or goals for the state.

The 1988 Report of Basic Skill Achievement Tests

Even though reading assessments were carried out by the Department of Education in all schools for a number of years, the data were summarized on a statewide basis and were not ever disclosed to the public on a district-by-district basis. Complying with the intent of the 1987 legislature, however, the department compiled standardized test results and other data from all districts, and prepared its report, Basic Skills Performance of Alaska Students: Achievement Test Results for 1984-85; 1985-86; and 1986-1987, and released it in February, 1988.[7]

The report said that composite scores of all students taking the test showed that, "On the average, [they] scored consistently higher than the national average." But what was also portrayed were appallingly low levels of achievement indicated for thousands of children and youth. In terms of percentages of district enrollments, though not in numbers, these undereducated students were in the rural areas of the state.

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[7] Memorandum No. 1, p. 64.

Before elaborating on the contents of the report, let us describe its contents, and what the tests were and who was tested.

The report is a 209-page document that has been widely praised for its responsible organization of data and professional presentation of related information. It is rich with both: for each of 55 school districts, it reports three years' of scores (with a few exceptions) on each of the areas tested; these are aggregated by four groupings of grade levels which are portrayed both as percentiles of average scores and (with a few exceptions) as percentages of students who scored above and below national averages. It also contains narrative profiles on each district, detailing enrollments, economic indicators, teaching staffs, and information about each district's testing program.

All seven of the different achievement tests administered by the districts which were the bases of the report were nationally standardized tests used to assess performance in reading (vocabulary), language arts (spelling, capitalization, punctuation usage), and mathematics (computation and concepts). Most of the tests also included reading comprehension and problem solving.

Based upon scores obtained on each test from a norming group, a national average had been established, and on that basis, Alaska students were compared to the national average.

Over the three-year period covered by this report, the most complete data available were for grades 3, 6, and 8 in reading comprehension, language arts, and mathematics. More than 85 percent of the students in these grades were tested in these skill areas. At some grade levels, however, as few as 20 percent of the student population was tested.

Whatever their deficiencies, the standardized basic skills tests administered, according to the Department of Education, "are generally considered to be the fairest and most accurate measure of student performance in the areas of reading, mathematics, and languages that are currently available."

What generalizations can be made about the test results reported? As noted above, the percentiles of averaged scores of Alaska's students were about at the national average -- a reason for being not too uncomfortable about the performance of schooling. To generalize further we selected two test elements (reading comprehension and mathematics) and two grade level groupings (primary and upper secondary), and looked at school district scores.

Scores in nearly half of the districts (but enrolling far more than half of the students) could give Alaskans in those districts confidence in their schools. In such districts, substantially more than half of their high schoolers tested were above the national average in mathematics, and in one district, 72 percent were; at the primary level, one district reported 93 percent above the national level. Similar percentages were reported by some districts in reading comprehension, as well as in other areas.

But scores in these basic skill areas in about half of the districts were substantially below the national average. In 23 districts, 60 to 84 percent of the high schoolers tested in mathematics were below the national average; the pattern at the primary level was similar. In those districts and four others, 60 to 89 percent of the high schoolers tested in reading comprehension were below the national average, and, again, the pattern at the primary level was similar.

Noting the variety of tests used and varying practices of districts, the Department of Education cautioned against comparisons among districts and said the most appropriate use to be made of the data would be to look at trends within districts. Commenting on this matter in the report, Education Commissioner William Demmert said:

> Some districts' scores were consistently high over time while others were consistently low. It appears that scores are lower when there is a high concentration of students whose families are poor and who live in homes where English is a second language.

Superintendents who responded to this committee's questionnaire about the achievement test scores provided additional perspectives about varying levels of performance in schools within their districts. Two superintendents said schools within their districts performed at a higher level when they had better teachers and better principals; another said partnerships between communities and schools produce more successful students;

others said there was a correlation between socio-economic levels of parents and their children's success; others said it was difficult to deliver a quality school program at the smallest schools; and others pointed to the non-English home language of learners as contributors to low performance.

Several superintendents submitted information which amplified the data in the report, showing that by tracking the scores of students they could demonstrate that real gains were being made in basic skills achievement in their school populations, even though such progress was not readily apparent in the summary report.

Only one superintendent dismissed the test results as having any meaning, but a number of them cautioned against assigning too much importance to the composite results in assessing school performance. Though these warnings were often from low-performing districts, and might be thought to be defensive, they were correct in pointing out that there had not been uniformity in determining what school populations were tested, and that in small districts, the movement in or out of even a small number of pupils could change composite scores.

In terms of their proportion to the school population in the Anchorage area, Native, Black, and Hispanic students appear to be the lowest achieving groups, but if data were aggregated by family income levels, a different category of low achievers might be identified. The Anchorage district told its board in 1987 that schools serving less affluent neighborhoods have lower scores and that its statistical analysis suggests that "socio-economic variables other than racial-ethnic group may be more related to achievement than the ethnic background of students..."[8]

In its 1988 report, the Anchorage district, wanting to correct the impression that minorities were only low-achievers, pointed out that over 1,000 Natives, Blacks, and Hispanics scored above the national average and that by including Asians, the number rose to over 1,500.

In terms of numbers of students who score below national averages in reading comprehension and math tests, Caucasian students make up the largest racial group. Because lowest-quartile data by racial/ethnic group are not available across the state, the numbers of Caucasians who are among the lowest achievers is not known. The 1988 report by the Anchorage district, however, said 2,300 Caucasians were in that category.

College Entrance Examinations

Just as standardized basic skills achievement tests allow comparisons to be made among virtually all students across the nation, college entrance examinations administered nationally allow comparisons to be made among students planning to attend colleges.[9] The results of such tests are used by the U. S. Department of Education (USDOE) and the National School Boards Association (NSBA) and others as a means of reporting school performance annually among the states.

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[8] Memorandum No. 16, p. 141

[9] Memorandum No. 4, p. 85, and No. 5, p. 88.

In 1987, the 2,094 Alaska graduating seniors who took the American College Test (ACT) earned scores that averaged 18.7, the same as the national average, but lower than the 19.4 average of the seven western states. This score, according to the USDOE, placed Alaska 19th of the 28 states in which the ACT was the dominant of the two national college entrance examinations.

(Since about 37 percent of Alaska's graduating seniors took the ACT, and 45 percent took the Scholastic Achievement Test (SAT), the ACT was not the dominant test in the state, so the federal department should have ranked Alaska by the SAT.)

When the percentage of test takers is high, composite scores are expected to be lower. However, virtually all states with higher composite scores on the ACT had higher percentages of their seniors taking the test than did Alaska.

While these Alaska averages are unimpressive, 356 high-scoring Alaskans on the ACT (with scores of 26 or above) put Alaska in 5th place among the high scorers. Since averaged scores of Alaskans were only at the national average, however, the large number of high scorers suggests that there were many low-scorers among the Alaska college-bound students.

Although the averaged score of Alaska Natives (11.6) taking the ACT was only slightly more than half that of Caucasians, the difference may be attributable in part to the fact that they had not taken courses in some of the subjects of the test. The number of Natives completing the questionnaire was very small, so substantial meaning cannot be assigned, but, of those who did complete it, only a small percentage said they had studied chemistry, American history, and second year algebra. Natives who reported taking these courses achieved scores resembling scores achieved by Caucasians.

In contrast to the low ranking given Alaska by USDOE on the basis of ACT scores, the federal department ranked Alaska 4th on the basis of scores on the second entrance examination, the SAT, in the 22 states in which it was the dominant exam. This test was taken by 2,584 Alaska graduating seniors in 1987.

The NSBA report of SAT scores in all 50 states, however, presents a somewhat different picture and illustrates the frailty of the foundation that such scores provide in ranking states. The NSBA report shows Alaska's average score of 479 on the math portion to be exceeded by 33 states, and 445 on the verbal portion, to be exceeded by 23 states. In most of these higher achieving states, however, the percentage of seniors taking the test was substantially lower than in Alaska.

In summary, like other measures of achievement, college entrance examinations tell us something about student and school performance, especially if the differences are large and similar percentages of seniors are tested, but like other measures, they have limitations and require interpretation. The results of these exams alone should not be seen as a sufficient basis for estimating the quality of schooling in a state.

Graduation Rates

Information about the percentages of Alaska students remaining in high school through graduation is not presently compiled by the Department of Education and there is little reliable data collected by districts, but the Governor's Commission on Children and Youth estimated school dropouts in 1987 to be at least 25 percent.

An even higher dropout rate -- more than 30 percent -- was suggested by the USDOE. The federal department's report was based on a calculation of graduation rates. It reported that Alaska's graduation rate in 1987 was 68.3 (lower than the U. S. average of 71.5) and pointed to 35 states that are better at retaining students in school.[10]

Dropouts do not appear to be a serious problem in the smaller communities in the rural areas. In a 1984 study of small rural high schools,[11] University of Alaska Fairbanks researchers reported that the dropout rate had fallen to half the national average, and no rural educator or parent appearing at our hearings in 1988 cited dropouts as a concern. One rural scholarship applicant who was asked to write on the subject of dropout prevention said he was not able to do so because, where he lives, "school is the most exciting thing going on."

Some data collected by urban school districts and shared with this committee show the dropout problem to be serious, even if their data may be understating the problem. The Anchorage district reported in 1987 that the percentage of students dropping out by ethnic/racial groups to be from 13 to 16 percent, except for Alaska Natives, whose rate was 28 percent. In this district (which enrolls more than 40 percent of the students in the state), over 1,200 students (including 851 Caucasians) dropped out in 1987.

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[10] Memorandum No. 5, p. 88.

[11] Memorandum No. 11, p. 123.

Student Assessment

An important way to obtain useful information about schools is to ask those who have spent much of their young lives in them, but despite its usefulness as another means of assessing school performance, it is too rarely done.

ACT test-takers, however, complete wide-ranging questionnaires which include questions about their high schools[12]. In 1987, only 58 percent of the Alaska test-takers said they were satisfied with the quality of instruction in their high schools (about the same as the national percentage) and only 49 percent of those who were Natives said they were satisfied. Half of these college-bound Alaskans said they needed more help in educational/occupational planning, and nearly half said they needed more help in acquiring math and study skills. Nearly a third said they needed more help in reading and writing.

All seniors in Alaska are invited to respond to a survey conducted annually by the Alaska Commission on Postsecondary Education. In 1987, almost half of the 6,649 seniors responded.[13] About 15 percent rated their overall high school experience as "outstanding," about half as many as in recent years; almost 23 percent rated their experience as "poor," more than twice as many as recent years. Although they ranked "quality of instruction" positively, those surveyed made complaints similar to the college-bound ACT test-takers and in similar proportion: about half said they needed more help from the schools in mathematics and career planning; and more than a third said they needed more help in reading and writing. The higher the family incomes, the less often they said they needed assistance.

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[12] Memorandum No. 4, p. 85.

[13] Memorandum No. 3, p. 83

An informal assessment of a single aspect of schooling by a group of scholarship seekers in 1988 provides an additional view of high schools.[14] Most of these 29 seniors from twenty communities across the state who were asked to write essays on dropouts faulted their teachers and schools for not preventing dropouts more than they faulted their fellow students for leaving school.

These critics, whose well-written essays testified to the effectiveness of their own schooling, called upon teachers to help prevent dropouts by being caring, interesting, and encouraging, by offering words of kindness, rewarding even small successes, and by helping instill confidence and a sense of self-worth in all their students. One observed that these kinds of attitudes and actions are afforded to high-performing students, but rarely to low-performing ones.

Another essay writer observed, after being told by a potential dropout that "school is boring," said this was a difficult issue and the main reason students drop out. "The best answer we could provide," he wrote, was that "although school may be boring, it is something everyone must do."

Committee Hearings

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[14] Memorandum No. 12, p. 128

At the seven hearings conducted by our committee we heard 207 persons. As might be expected at hearings on the subject of school performance, by far the larger number of parents, students, and organizational representatives who testified appeared before the committee not to praise their schools, but to fault them.

We do not know how widely their criticisms should be applied to schools generally -- some testimony related specifically to minorities, to rural schools, or to urban schools -- but their testimony provides an important perspective, and describes issues in schooling not disclosed by tests, questionnaires, or other formal instruments used for information gathering. A wide array of issues was brought to the committee's attention, and they are detailed in memoranda in the appendix.[15] What follows are themes that we heard repeatedly.

With regard to schooling practices generally, our committee was told:

- coursework is too rarely demanding or rigorous;
- students are moved ahead in grade without achieving mastery;
- Natives are graduated who are unprepared for college (citing a 60 percent dropout rate at the University of Alaska Fairbanks) or for jobs;

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[15] Memoranda No. 20 p. 152; No. 23, p. 168; No. 31, p. 205; No. 36, p. 226a; No. 37. p. 228; No. 38, p. 232; No. 40 p. 238; and No. 41, p. 245.

- schools are rarely places kids enjoy being, and as a result, less learning occurs and absenteeism is high;

- too little is being done to address problems of at-risk students;

- neither students nor parents are told what is to be learned and why;

- kids learn at different rates, but that isn't taken into account in school programs;

- despite its effectiveness, peer tutoring is little used;

- private schools do better at producing achievement and at lower cost;

- village schools resemble schools their teachers attended much more than they reflect the culturally different lifeways of villages, even though they have the freedom to be different;

- too many Blacks and Natives are miscategorized as special education students, producing in them a sense of inferiority; and

- in too many classrooms, research evidence on effective schooling is ignored;

With regard to curriculum, persons appearing before the committee said:

- Alaska history, incorporating Native culture and languages, is rarely offered in schools;
- speech and social skill building courses are seldom available;
- first language programs for Native language speakers are too few, often of inadequate quality, and of insufficient duration;
- parenting courses are not offered;
- specialized coursework (such as science and foreign languages) is not being delivered by broadcast or by satellite to small communities where it is needed even though $5 million is spent annually for television support; and
- too many textbooks are demeaning to minorities.

With regard to teachers and teaching, witnesses told the committee:

- villages get the worst teachers, but tenure keeps them from being dismissed;
- teachers' expectations are low for Native, Black, and Hispanic students;
- some teachers are ethnocentric and uncaring;

- teachers fail to build self-esteem in students;

- there is too much use of teaching strategies that don't work (such as lecturing and use of worksheets); and

- there are too few minority teachers.

A number of persons appearing before the committee pointed out that not all problems of student achievement arise from schooling practices. Some failures in schooling, they said, arise from social problems in communities, such as alcohol use or abusive families, and from student use of alcohol or drugs -- problem areas beyond the ability of schools to solve acting alone.

Finally, in the judgment of Education Commissioner William Demmert, the largest single issue, in terms of percentage of students who are left behind by the schools, is "associated directly with the Native community." In his extensive presentation to the committee, he pointed out that being poor results in children not being exposed to experiences that would lead to school success, and that being Native may mean that a child's language base may not be well established in either the home language or English. Their difficulties, he said, may be attributable to:

> ...the school's failure for not providing the proper learning environment and emphasis on culturally and developmentally appropriate environments with emphasis upon all phases of language development.

Superintendents' replies to our questionnaire

Some criticism of schools or practices came from superintendents themselves.[16] As noted earlier, some acknowledged that some teachers and administrators were not as good as others. Another said the whole rural system needs "drastic change," including improved opportunities for Native teacher aides to become teachers, and that there is "amazing research on growth, development, and learning that is not implemented in our schools."

What is also important here -- so that an opposite conclusion is not implied -- is that many school districts are taking steps to raise levels of student achievement and that some of them indicated in their letters a strong resolve to do so. Not surprisingly, a number also told of the need for stable and adequate funding (especially in single-site districts), additional technical assistance, and cash incentives to help them make progress.

Some of the changes made or being made include scheduling priority instruction (such as math or English) in morning sessions, increasing the time devoted to subjects in which achievement levels are low, avoiding or reducing interruptions to the school day, establishing remedial reading courses, calling upon teachers to hold high expectations of learners, engaging in "Battle of the Books" and other academic competitions, eliminating study halls to allow more coursework to be taken, participating in state-sponsored leadership academies, writing, and math projects, and employing postsecondary counselors.

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[16] Memoranda No. 18, p. 147; and No. 33, p. 213.

Others have carried out more ambitious improvement plans. These include developing language programs for rural Natives (one of which was a computer-assisted program which won a national award), conducting summer school and summer vocational programs, using their best English-as-a-Second Language teachers as trainers of other teachers, and purchasing new computer labs and providing computers for home use of students.

Inferences from National Assessments

Another source of information about school performance in Alaska are those inferences that may be drawn from national surveys of student achievement and factors affecting it, even though the surveys did not include Alaska.

Studies conducted by the Educational Testing Service for the highly respected National Assessment of Educational Progress (NAEP), are based upon questions asked of large, nationally representative samples of students in several regions of the nation. Three such studies reviewed by this committee were in the areas of reading, mathematics, and computer competence. They were carried out in 1986 and were subjects of reports published in 1988.

The NAEP report of reading achievement in America (covering grades 3, 7, and 11) concluded that reading proficiency increased by grade level, but that "students at all three grade levels have particular difficulty with tasks that require them to elaborate upon or defend their evaluations of what they have read."[17] When

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[17] Memorandum No. 13, p. 132.

11th graders were asked to make comparisons between the content of a short passage ("Goods to Market") and their own experiences, 88 percent of them responded "at the minimal level or below."

Further, the gaps between poorer readers and better readers remained relatively constant between grades, as did the gaps between reading proficiencies of Caucasians and Blacks and Hispanics.

Although effectively helping students become critical readers, according to the researchers, means focussing on the comprehension process before, during, and after a reading experience, they reported that:

- a fourth of the third-graders said that their teachers never pointed out hard words before reading, and a third said their teachers never read new parts aloud;
- nearly 40 percent of the 7th and 11th graders said their teachers never provided questions to guide their reading for meaning; and
- though better readers are taught effective reading strategies, "poorer readers are likely to have their old, less-effective strategies reinforced."

The NAEP analysis of mathematics achievement, covering ages 9, 13, and 17, concluded that students had made gains since 1978, but the gains were in lower order skills.[18]

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[18] Memorandum No. 22, p. 164.

Some specific findings on math achievement were:

- only one in five 9-year olds has mastered basic mathematical operations and beginning problem solving, though both are part of the elementary school curriculum;

- only half of the 17-year olds tested demonstrated the proficiency associated with *junior high* math, and the rest "appear to scarcely be able to perform the kinds of numerical operations that will likely be required of them in future life and work settings."

The authors also said that despite recommendations arising from research about effective instructional strategies, only a small percentage of students in the three age groups reported working at math in small groups, making reports, or working at laboratory activities. Instead, in most classrooms, teachers explain the work, using the chalkboard, and students work through problems in their texts or on worksheets.

The authors also said that math educators recommend the use of calculators, but few schools provide or use them, even though their use "can liberate students from time-consuming computations, freeing them to tackle more challenging tasks."

"Achieving a higher quality mathematics curriculum across the United States," the authors wrote," will require new materials, effective instructional methods, and improved means of evaluating student performance."

The NAEP report on computer competence,[19] a large-scale project involving representative 3rd, 7th, and 11th graders, concluded that:

> Most American youngsters have some familiarity with computers. Most, for example, can identify a keyboard, disk drive, and printer. Most have some practical knowledge of computers... But, with the exception of word processing, only a small fraction were able to answer questions about the most important computer applications or about programming.

Since computer study has been called a fourth basic skill area -- i.e. useful across curriculum domains -- the authors sought to find out the extent to which computers were used in other subject areas. Their conclusion: "Not enough to fully tap the computer's potential for enhancing learning in traditional subjects."

Although frequency of usage of computers is low for most learners for most purposes, enthusiasm is high. When students in grades 3 and 7 were asked if they liked using computers, 86 percent responded affirmatively.

Population Characteristics and Expenditures

Two other sets of factors relating to school performance are typically employed in making state-by-state comparisons by the U.S. Department of Education (USDOE) and the National School Boards Association (NSBA): population characteristics and expenditures.

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[19] Memorandum No. 24, p. 171.

The USDOE, in its 1987 wall chart placed Alaska 4th among the states in per capita income (reporting it to be $17,796) and 38th in school age poverty (reporting it to be 11.4 percent).[20] The federal agency said 13 states had a higher percentage of minorities in its population than Alaska's 34 percent, and 18 states had a higher percentage of handicapped learners. Although the NSBA did not rank states, its data were similar.

The second set of factors, involving public expenditures, is labelled "resource inputs" by the USDOE. Its wall chart showed Alaska as 1st in the nation in teacher salaries (with an average of $43,970), expenditures per pupil ($8,253), and expenditures as a percent of income per capita (46.4 percent), but 50th in expenditures for teacher salaries as a percent of total expenditures.

The chart ranked Alaska 22nd in the nation in pupil-teacher ratio, which in Alaska was 16.7 and in the nation, 17.8; and Alaska as 43rd in the nation in pupil-staff ratio.

The NSBA's "vital signs" summary showed the same pupil-teacher ratio as the USDOE, but reported a lower average teacher's salary ($40,424) and a lower per capita expenditure ($7,038).

The Alaska Department of Education reported slightly different numbers in its 1988 report: the average teacher salary in the state was $39,070 in 1987-88, the cost per pupil was $6,076 in city and borough districts and $11,159 in rural educational

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[20] Memorandum No. 5, p. 88.

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attendance areas (1987), and the pupil-teacher ratio was 15.67 (1986-87).

Although we cannot explain the variations in the figures reported, even the lower figures show public spending on a per-pupil basis and average teacher salaries in Alaska to be the highest in the nation.

Chapter IV

CONCLUSIONS AND RECOMMENDATIONS

What picture may be fairly drawn about school performance from the information we have gathered?

With regard to the outcomes of schooling, we have concluded:

1. Even though achievement tests and college entrance examinations are acknowledged to be imperfect measures of student and school performance, they are useful indicators in the areas tested.

2. Together with other indicators, the tests tell us we have much to be proud of, but also that there are serious problems of student underachievement.

3. In the largest borough school districts and some city districts, substantially more than half of the students tested show results above the national average in reading and math skills, but in 27 smaller districts, substantially more than half show test results below the national average.

4. Several thousands of children and youth across grade levels are seriously deficient in knowing the basic skills of reading and mathematics.

5. Though the data are incomplete and imprecise, it

appears that as many as one-fourth of the seniors who conclude their schooling -- sometimes as graduates and sometimes as dropouts -- are likely to be unprepared to succeed in jobs or in further education or training.

6. The dropout rate in Alaska is high, especially in the urban areas, and though some districts are inventively addressing the issue, others are not.

7. Even though the larger number of undereducated students are Caucasians, a disproportionately large number are Natives and other minorities.

8. Virtually all of the districts with the lowest level of indicated achievement are in areas where incomes are low and language skills are not well developed.

9. The percentage of college bound students who are high scorers on the ACT entrance examination is higher than in most states, but the composite score of Alaska ACT test-takers is average. The composite score of Alaska SAT test-takers is, on the other hand, above the national average.

10. Some conditions which make the tasks of teaching more difficult -- such as problems in families and communities -- cannot be remedied by the school acting alone, but will require cooperative actions by communities and other agencies.

With regard to the process and content of schooling, we have concluded:

1. Despite widely accepted research findings, ineffective teaching practices and strategies still characterize many classrooms.

2. State laws and regulations permit wide variation in how and when schooling is to be conducted, but even in culturally different settings, the uniformity of patterns suggests an acceptance of traditional models that are only partially successful.

3. There are wide variations among districts in the amount of time devoted to specific studies, and the small amount of time devoted by some districts to language arts, for instance, is probably too little.

4. Though large numbers of good and excellent teachers are helping most children learn, others described as poor teachers continue to be employed.

5. Elements critical to meeting the basic needs of cultural and ethnic minorities in learning (such as first language instruction, English-as-a-second language, relevant curriculum, social skills) are often missing or are of low priority.

6. Too many teachers have low expectations of learners, and as a result, coursework is less demanding, teaching strategies are less effective, and less learning takes place.

7. Even though employment of minority teachers can help provide role models for minorities and reduce racial

prejudice in others, the percentage of minority teachers remains very low in comparison with the state's minority population.

8. The state spends more than $5 million annually for public and commercial television (and another $4 million for public radio), but very little time is allotted to meeting instructional needs of schools.

With regard to school leadership and governance, we have concluded:

1. Some rural communities have too little information about the schools that enroll their children and too little influence upon their schools, either in program or staffing.

2. Local advisory board members are often insufficiently educated by their school district boards to carry out their roles responsibly.

3. The content of replies of superintendents to this committee's questionnaire suggests that there are varying levels of concern among them over student achievement and in their determination to improve it.

With regard to accountability and school improvement generally, we have concluded:

1. Current planning by the Department of Education for the uniform administration of a basic skills achievement test and disclosure of results will encourage schools to give

priority attention to the basic skills of reading, arithmetic, and elements of composition.

2. So that other public expectations of what schools are for (such as teaching other kinds of knowledge and skills, providing a nurturing environment, and building a sense of self esteem in students by holding high expectations) are not neglected, accountability of a broader kind is also required.

3. Shared public expectations of what schools are for on a statewide basis should be made explicit through a public process of adopting a purpose and goals of schooling, and these should become known to learners and parents as well as educators.

4. Because many problems or needs vary among schools and districts, state policy should encourage local priority identification and planning for remedial action rather than mandate programs that may be applicable to only some schools and districts, and not others.

5. Some limitations of small schools in rural areas can be partially met through use of technology and provision of technical assistance, but students will probably need some experience in larger communities if they are to succeed in jobs or colleges in those larger communities.

6. There are additional issues affecting school performance that time did not allow us to address.

In summary, this committee has concluded that Alaska can take pride in the accomplishments of its schools, but as it does, it must take steps to address deficiencies of performance where they exist to help assure that all students master basic skills and benefit more fully from schooling.

Specifically, we have concluded that achieving the goal of helping all children learn requires, as a start, that the legislature declare what the purpose of schooling is and obtain broad accountability from schools, encourage schools and those they serve to devise and carry out changes they identify as needed, and enable the Department of Education to provide expanded leadership and support to school improvement.

Further, we have concluded that the legislature should establish a joint committee to continue the work begun by this Senate committee.

Pursuing the strategy we propose will require only a marginal increase in state spending -- less than one half of one percent of current operating expenditures for education.

Our recommendations to the legislature follow.

Declaring what the purpose of schooling is and obtaining broad accountability.

1. That the legislature adopt a purpose of schooling in Alaska that summarizes goals of schooling, that expresses our highest and noblest aspirations for the whole universe of learners, and that conveys a sense of resolution that the stated intentions will be realized.

Further, that the legislature require the State Board of Education to adopt goals of schooling for Alaska consistent with the legislatively stated purpose.

a. If there is unanimity on any point among educators, it is that purposes and goals of schooling should be explicit and known. Together they declare what schools are for, and shared with parents and students, they can integrate the school experience by providing a context into which all of the right things happening in a school fit.

b. While a goal statement is typically lengthy and specific in describing outcomes (a sample is in Memorandum 9), a purpose statement is broadly descriptive and typically brief enough to be remembered by all of those who are engaged in schooling (including students).

c. We recommend that the following statement of purpose become the legislature's proposal:

"The purpose of schooling in Alaska is to help assure that all learners will:

- succeed now and in their next level of education or work;
- shape worthwhile and satisfying lives for themselves;
- exemplify the best values of society; and
- be effective in influencing the character and

quality of the world about them."

Educator John Goodlad, who reviewed 300 years of goals in America's schools, said they fall under four categories: academic, vocational, social and civic, and personal. All four are encompassed by the foregoing purpose.[21]

2. That the legislature appropriate funding required by the Department of Education to conduct its planned assessment of student achievement in grades 4, 6, and 8 across the state, to plan for the assessment of achievement among high schoolers and to carry out a survey of high school graduates.

a. It was the action of the legislature in 1987 that led to the first-ever compilation and public disclosure of the results of district-administered tests in early 1988, but the variety of tests used limits the application of such results in shaping of public policy. A uniform test series uniformly administered is required, and the Department is proceeding to take that action.[22]

b. The Department is undertaking to identify better measures of achievement than standardized tests for use at the high school level and planning to carry out a survey of graduates to identify strengths and weaknesses of their schooling and to learn of their post high school success.

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[21] Memorandum No. 9. p. 100.

[22] Memorandum No. 25, p. 174.

c. The cost of conducting the assessment over grades 4 to 8 is estimated to be $110,000, and the cost of the graduate survey to be $10,000.

3. That the legislature require each school district to file each year a brief improvement plan/report of progress with the Commissioner of Education for transmittal to the legislature before the budget for education is adopted.

a. The purpose of this requirement would be to compel each district to identify what it considers to be its priority concerns for the coming year and the actions it plans to take to address them (a task many districts carry out already), and to inform a larger audience of its intentions. Each succeeding report would tell to what extent the district had achieved its goals.

b. This report, together with the statewide assessment and the report card recommended below, will increase the accountability of districts to the public at the same time it encourages planning for improvement.

c. Although this might be complained as burdensome by districts, it is far less than is required of agencies of government seeking lower levels of funding than some districts.

d. The Department of Education would prescribe the format for this two or three page report. No penalty would attach to the districts not complying, but for the resultant ignominy they would experience.

4. That the legislature require each school to prepare a report card on itself for the community or neighborhood it serves describing in plain words how well it has performed over the preceding school year.

a. The people served by a school deserve to know such things as how its students' achievement compares with others of the same grades in the region, the state, and the nation, and how much gain they have made over the preceding year, how students, parents, and teachers rate the school, what honors have been won by how many students, and what steps the school has taken to make itself a better place for learning. Having such information reminds the parents that the school is theirs and prepares them to influence the school program.[23]

b. Present reports of superintendents to their boards vary widely in their quality, clarity, and completeness. Some of those that are incomplete, for instance, tell of acceptable levels in composite test results, but do not point out that grade level composite results are falling; or "growth scale values" are noted, but no comparison is made with national norms. Other reports employ technical language -- "normal curve equivalents" or "regression analysis" -- that tell little to most parents. One report to a school board declined to comment on the quality of the district's performance, despite the fact that students tested were far below national norms, on the ground that no base testing had taken place.

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[23] Memorandum No. 34, p. 216.

c. As part of its School Reform Act of 1985, Illinois began requiring report cards of all of its schools and the action was applauded by the news media of the state and educators around the nation as one of the most important steps that could be taken to improve accountability and schooling.

d. The specific form and content of this report card would be prescribed by the Department of Education by regulation.

Encouraging school/community-based school improvement.

1. That the legislature establish a competitive grant program to encourage schools, in partnerships with the communities they serve, to plan and carry out changes that will help them become more effective places of learning for all.

a. Our proposal is made in recognition of the fact that priority issues vary from school to school and actions required also vary, and, further, in our acceptance of the research findings that lasting changes are more likely to be realized when those affected by changes participate in devising them.

b. Actions required to improve school performance urged upon this committee were widely differing and they suggest the kinds of things that schools might consider in their proposals for funding: inventing policies to engage parents in schooling, establishing links with social service agencies, restructuring language arts programs in the early grades, funding computer-assisted instruction, genuinely empowering minorities, assuring quality preschools, inaugurating a program of apprenticeship training for village teachers, rewriting curriculum guides to inform parents how they could assist their children, devising programs to address at-risk students, having students participate in teacher evaluation and so on. A fuller description of proposals made by Alaskans are contained in the summaries of superintendent recommendations and of the hearings conducted which are in the appendix.[24]

c. Our proposal is modeled upon Washington State's "Schools of the 21st Century" program, enacted last year.[25] Our summary of the program and abstracts of a few proposals made there testify to the ability and spirit that local leadership can bring to the issue of school reform. This year, the Washington legislature will be considering proposals to expand the program there.

d. Grants not to exceed $50,000 annually for three years should be awarded by the State Board of Education to at least 20 schools. Criteria for awards would be established by the Board consistent with the legislation, but awards would probably be made to schools whose proposals (prepared by faculties, parents, and students) reflect analytical consideration of priority issues and a re-thinking of the schooling enterprise toward long-term and cost-effective change that promises improved performance, rather than to schools which want to simply add a person or activity to what presently exists. If agreed to locally, waivers of state law and regulation could be granted by the Commissioner of Education under the proposed legislation.

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[24] Memoranda No. 20 p. 152; No. 23, p. 168; No. 31, p. 205; No. 36, p. 226a; No. 37. p. 228; No. 38, p. 232; No. 40 p. 238; and No. 41, p. 245.

[25] Memorandum No. 35, p. 219.

e. The effectiveness of community-school partnerships and other elements of this proposal were suggested in a study of small rural high schools by University of Alaska Fairbanks educational researchers as well as by numerous national studies.[26]

2. That the legislature include in the same legislation provision for grants to each University of Alaska campus to enable each of them to support school based changes through technical assistance and research activities consistent with the purpose of the legislation.

a. Grants should not exceed $75,000 annually, should be for three years, and should be administered through the Department of Education to assure coordination with all activities of school improvement being fostered by the department.

b. This funding would support the collaborative relationship the Commissioner of Education has urged as necessary to making progress. Grants would likely be made for to the departments of education (perhaps in cooperation with other departments) at each campus for action-research, and to rural colleges for new cooperative arrangements between themselves and local schools.

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[26] Memorandum No. 11. p. 123.

c. Examples of the kinds of important roles the University could effectively perform in bringing about school change are proposals from the Juneau, Fairbanks, and Anchorage campuses to engage in action programs to effect school changes which are in the appendix.[27]

d. We propose an appropriation of $350,00 for this purpose.

3. That the legislature modify A.S. 14.08.115, which permits establishment of advisory school boards in rural educational attendance areas, to require their establishment, that they be consulted on their local school programs and faculty appointments, and that regional school boards provide them with information they need to responsibly perform their roles.

a. Witnesses at our hearings repeatedly called for local control of their schools, citing unresponsiveness of their regional boards, but to lodge full responsibility in very small communities would be only to increase administrative costs, which already are high.

b. Some regional educational attendance area boards have already granted a broad consultative power and

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[27] Memorandum No. 42 p. 245

responsibility to advisory boards in their regions.

c. If small communities can obtain the authority to effectively exert influence over their own schools, it could allow consolidation of some small districts to be considered (or at least the consolidation of their administrative functions).

Enhancing the ability of the Department of Education to foster school improvement.

1. That the legislature authorize funding for two partially exempt positions within the Department of Education to give leadership to school improvement.

a. The first of these proposed positions is that of school improvement coordinator -- a person who would carry out all functions in support of the competitive grant program for schools and colleges, the annual reports prepared by districts, and the school report cards, and assist the State Board of Education, if so assigned, in pursuing its goals and initiatives.

b. The second -- and equally important -- position is that of special assistant for minority affairs -- a person who would encourage policies and activities upon the department and upon others that would help reduce the persisting gap between indicated levels of performance among minorities and other Alaskans. A key task would be collecting information on existing culturally relevant materials, preparing a critical guide and disseminating it to schools, and identifying further needs.

c. The cost of the two positions, including benefits, is estimated at $140,000.

2. That the legislature authorize funding to allow the Department of Education to contract with experts in specified instructional areas to give leadership to improving instruction in those areas.

a. This funding would enable the department to provide technical assistance in areas identified by districts and itself as high in priority, such as early childhood education, parenting, or at-risk students, and to have the flexibility afforded by contractual arrangements.

b. Specifically, this approach would allow the department to obtain the services of outstanding persons presently in school districts or universities, who could take leave from those positions, but who would be unavailable if the appointments were permanent. It would also allow the kind of expertise made available by the department to change as priority needs change.

c. These experts would supplement the work of the department's present education specialists, who are obliged to be not only specialists, but generalists as well. They have multiple curriculum assignments and work at all grade levels.

d. Providing this expertise would be responsive to repeated pleas by superintendents of small districts.

e. We propose funding of $140,000 for this purpose.

3. That the legislature transfer the Alaska Public Broadcasting Commission and RATNet to the Department of Education from the Department of Administration, and that their purposes be clarified to include instruction.

a. These transfers are proposed to increase the opportunity of school districts and the Department of Education to employ communications technology for such purposes as broadcasting programs to be viewed by students and parents together (such as drugs, alcohol), delivering programs to students during and after school that cannot otherwise be offered in small communities (such as foreign languages or physics) or enriching existing instruction (such as science developments or current affairs), delivering programs on parenting to parents, and employing interactive capacities in a variety of ways.

b. Except for the Anchorage station, very little or no instructional programming is carried on public television stations, though much of their programming is educational in the broad sense. There is virtually no instructional programming on the RATNet channel during days or evenings, even though the legislative intent in FY 1987 was that "RATNet and Learn/Alaska be combined on one statewide network managed by the Department of Administration."[28]

c. This proposal envisions only some expansion of the instructional use of this technology, not a transformation of their current functions.

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[28] Memorandum No. 32, p. 208.

d. Acceptance of this proposal would restore to the Department of Education expertise in educational technology applications lost to it by the closure of the Learn/Alaska network.

e. The transfer legislation should provide a statutory basis for RATNet as an entity, its membership and terms, and provide the foundation for adoption of its policies pursuant to the Administrative Procedures Act.

f. Assuring that some hours each day are available on RATNet for instructional purposes is especially important to the smallest rural communities.

4. That the legislature authorize the Department of Education to provide for alternative certification.

a. Current law requires that persons hold baccalaureate degrees to be issued certificates as classroom teachers, but two groups of persons -- vocational education teachers and recognized experts in Native languages and culture -- are in full charge of classrooms without meeting that requirement. Both have met the test of competency, but only the vocational teachers have been issued certificates.

b. The committee heard educators experienced in rural Alaska urge alternative certification approaches to increase the number of Natives who are teaching in rural schools to produce a greater cultural congruence between teachers and learners.

c. The U. S. Office of Education strongly urges alternative approaches to certification for qualified professionals who lack the traditional education coursework typically required by states, and reports that research bears out the capabilities of alternate route teachers.

d. If the legislature cannot agree with providing broad authorization to the Department of Education to allow alternate routes to certification, it should, at a minimum, authorize issuance of certificates on the basis of competence to recognized experts on Native language and culture.

5. That the Department of Education give priority to an analysis of the possible use of Mt. Edgecumbe during the summer months for programs for rural students.

a. The analysis should include a consideration of whether, for instance, the greatest need is to motivate learners for secondary studies back in their home communities or to be remedial and enrichment programs for those going to college.[29]

6. That the Department of Education seek additional ways to broaden the knowledge of the education community about the principles of effective schooling, effective teaching

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[29] Memorandum No. 28, p. 186.

strategies, and other research-based practices.

Continuing the Legislature's engagement with issues of school improvement.

1. That the legislature establish a joint committee to continue the work of the Senate Committee on School Performance.

a. Most legislatures undertaking school reform spend two to three years in the effort.The absence of recommendations on a number of issues relating to the quality of schooling does not signify an unconcern over them, but only admits our inability to gather sufficient information in the short lifetime of our committee to allow us to frame recommendations which we could confidently urge upon our colleagues. It is the complexity of these issues that underlies the recommendation that the work we have begun continue through the 16th session.

b. Here are brief descriptions of some of the policy issues that need further examination:

Teacher certification. The State Board and Department of Education are presently reviewing teacher preparation and certification requirements contained in regulations and considering what changes ought to be made. If, is as often true with review of regulations, the active participants are chiefly those who have a stake in the regulations as they are, the public might not be well served. In the efforts of other states to improve schooling, changes to traditional requirements often look to recognition of outstanding teaching and administrative talent and to competency requirements for certificate renewal. Numerous superintendents in Alaska have faulted teacher preparation as it now exists.

Administrator certification. Given the research findings of the key role that a principal can play in the quality of a school, at least one state has begun requiring competence in establishing effective parent-school relationships, a high quality school climate, and instructional leadership in order to have an administrator's certificate renewed.

Tenure. The Association of Alaska School Boards has called for a 5-year period before the protections of the tenure law would be extended to new teachers, an increase from the current 2-year rule. Comments of superintendents ranged from support for that proposition, saying that "many average teachers...tend to become stagnant and weak quickly after becoming tenured," to a more extreme view: "Abolish tenure!" Teacher representatives do not see tenure protection as the problem, but say it is the failure of districts to establish and carry out sound teacher evaluation programs.

Evaluation. Testimony we heard suggested that the issue of teacher and administrator evaluation should be reviewed. Some administrators do use evaluations as the basis for counseling poor teachers to choose other occupations, but there are reports that some local teacher organizations exert pressures upon principals and superintendents to avoid unfavorable evaluations of members. One witness called for external review by peers of superintendents' performance to assist boards in reaching decisions about renewal of contracts. Other states and districts require student participation in evaluation, and researchers support both that approach and peer review. Both are permitted in Alaska by regulation, but neither is required.

Categorical programs. Two kinds of problems were called to the committee's attention. The first was a concern of parents whose children are placed in "special education" on the basis of perceived deficits in linguistic or social skills when the parents believed they should not be. The second concern (this one voiced by superintendents) was over the disruption caused by "pull-out" programs for special categories of children. These are usually programs that are federally funded and regulated, but a review and inquiries to other jurisdictions might produce prospective remedies.

Collective bargaining. Three superintendents recommended statewide negotiations with teacher organizations as a means of removing from the local arena what is often an adversarial contest. One said it was the "number one thing the legislature could do to improve student performance." Rural spokesmen said the tensions arising through the whole process of negotiations stand in the way of bringing about the community-school partnership that is needed. Some jurisdictions in other states have discovered means of conducting collective bargaining but avoiding the kinds of results that occasionally are reported. We think it is a complicated issue, but with more information and additional perspectives to those we now have, the proposal could be evaluated.

Administrative consolidation. Districts with very small enrollments have told the committee of the burden imposed upon them by Department of Education for reports because their funding level is too low to employ sufficient staff. (One superintendent declined to answer our questionnaire because he had no staff.) Others described their need for technical assistance which large districts can provide for themselves. As noted earlier, increasing the importance of school advisory panels in rural communities might allow the consolidation of administrative functions without reducing local control.

Other. A few illustrations: Since as many rural students are turned away from Mt. Edgecumbe as are admitted, is there a need for another boarding school? Does the large number of computers in schools represent unrealized promise? Can the energies of social service agencies and schools be linked in new ways that help schools and students in their tasks? Should tuition vouchers be offered to students to allow greater choice in schools? What are the issues that would have to be considered if the state were to require that all schools be accredited? Can correspondence coursework become the basis of mastery learning in classrooms? Can the Teacher Scholarship Loan Program be modified to increase the number of Native teachers in rural areas?

c. The committee would also review the latest achievement test data and surveys, and monitor school improvements inaugurated.

d. Even though some superintendents did not welcome legislative interest in this area (in fact, one declined to reply to our questionnaire), one urged continuation of the committee and several applauded the committee for its broad concern with the quality of schooling. The Alaska Federation of Natives has urged its continuation.

SUMMARY OF RECOMMENDATIONS

Adoption of this committee's recommendations would add $1.8 million to education spending in Fiscal Year 1990. This increment would be equivalent over the year to about $18 per student enrolled, or about ten cents per day per student.

Summarized, our recommendations are:

A. Declaring what the purpose of schooling is and obtaining broad accountability.

- by adopting a statement of purpose of schooling;

- by appropriating funds for student assessment ($120.0);

- by requiring each district to file an annual improvement plan based on its priorities; and

- by requiring each school to issue a report card on itself to the community it serves.

B. Encouraging school/community based improvement

- by making competitive grants to 20 schools (not more than $50,000 each) to make schools better; partnerships with communities required; together, re-thinking schooling to improve performance and to do so cost-effectively ($1,000.0);

- by making competitive grants to colleges and universities to complement school-based change ($300.0); and

- by requiring advisory boards and specifying powers for them in rural educational attendance areas.

C. Enhancing the ability of the Department of Education to foster school improvement

- by establishing positions of school improvement coordinator, minority affairs policy assistant ($140.0);

- by providing funding for contracting with experts to give leadership in priority areas ($140.0);

- by transferring state-supported broadcasting functions to the Department of Education;

- by authorizing the department to provide for alternative certification of teachers; and

- by urging the department to analyze possible summer use of Mt. Edgecumbe; to further disseminate information on effective schooling to the education community.

D. By establishing a joint committee to continue work of the Special Senate Committee ($100.0)